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# ADDRESS

DELIVERED BEFORE

## R. E. LEE CAMP, C. V.

AT

RICHMOND, VA., DECEMBER 18TH, 1908,

IN THE ACCEPTANCE OF THE PORTRAIT OF

## GENERAL WILLIAM H. PAYNE,

BY

## LEIGH ROBINSON.

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RICHMOND:

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C. A. Cunningham  
1888



# ADDRESS.

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*Mr. Commander and Fellow-Soldiers:*

The Lee Camp of Confederate Veterans stands for a grand ideal. In the throng of selfish contention, it is your prerogative to exist, as a shrine amid ruins, that you may preserve as in amber the memory of that bright sword which, among the swords of the captains, shines like yonder sentry of the skies, around whose serene light the stars obediently bend. In an anarchical night time of transition this unswerving force burns in our heavens, like a word of command, whose authority we reverence, and whose speech is the "still small voice" of duty. As the commemoration thereof, this shrine shall be a guide post in the desert.

Unselfish force is a Scripture "given by inspiration of God." Our world divides itself into the heroes who live and die for others, and the others for whom they live and die. The hero is the response to that question of the early Satan, "Doth Job serve (or fear) God for naught?" The lofty answer is, he doth. His own heroism is the hero's booty. He gives his greatness to others for the joy and glory of giving. Save in a mere material sense, it is not for naught. The life, which, while strong in the strife forgets itself in the striving, is born Commander of the Faithful, and in every age has found the faithful to command. We look elsewhere, indeed, for the thrifty patriots who make the litany of the daughters of the horse leech the mother tongue and classic of their Pantheon. We turn to Robert Lee and say: There is one, who, in place of taking from others every present they might offer, grandly gave all he had of mind, body and estate to others, and for others. There is one who trod the path of self-denying greatness. There is one who scaled the last heights; in whose majestic passion defeat is transfigured into victory. There behold that power and passion of self-realization through self-renunciation, which is a perennial appeal by and to a divine essence, perhaps latent in the lowest, but forever patent in the highest. With what a serene unconsciousness the destiny laid upon him was

met and mastered. It is not in human misfortune, nor in human power to efface the eminence in which he abides, nor to efface us if we are not unworthy of it. Long as there is reverence for honor; long as there shall linger an honor to revere, the earnest, the fearless, the true will bow down to him, who having the option of all that this world has to give, thought of duty first; of self last. Success does not constitute his glory. His glory is enhanced, etherealized, more gloriously revealed by what the world calls his defeat. Sordid success is as dust in the balance by the side of it. Mr. Charles Francis Adams has called Lee "the quintessence of Virginia." As the figure in the forefront of the battle; as the protagonist of the Southern storm; as the embodied righteousness of the cause whereof he was captain, he requires and requites our worship. Viewing him as the concentration of our own soul; as embodying the high duty, the sacred conscience, the martyred valor, which bore aloft his standard, his fame is the proudest possession ever vouchsafed to any people of any country, in any age. We had not known the full stature of Lee, had it not been for what the world calls his defeat. Great as were his victories over enemies, the great conquest of this kingly man was his conquest of himself. Each passing year, more and more, endears him to us. He is more than ever dear to us, for that he was the matchless hero of adversity and example for our own; for that he added to all other victory—victory over defeat—nay, over outlawry by them to whom his path was a rebuke. The more he is lifted up by outlaw sentence, the more he draws us to him.

Our hero is victor over victory. Not the champion of the strong against the weak, but of the weak against the strong is the Bayard of the heart. Greatness, which having need to say in the battle, "All things are against me"; yet battles with consummate courage to the end, is by that sign shown to be great. It is not super-eminent for one to win when all things are for him. Of all the great things Lee did for his State, and for the South, the greatest was the life he gave: a life the world is unable to measure by reward; save that the world reserves for the highest—a crown of thorns. On his outlawed height, he fought, there still fights the battle for us. His calm grandeur—calm in the midst of raging elements—because of victory over them, was and is our warrior.

We fight behind the fortress of an unsullied life, while we have him for captain. We build his truest monument less by contribution from our purses than by humble imitations in our lives, though at long interval and with tender steps. As the likeness of his mind is stamped upon them who claim to follow him will be his monument. The soul that rises superior to the storms of fate, it shall live.

Bound up with Lee is that warrior of the Living God—led by the Spirit if man ever was—who, facing the sharpest and steepest, brought all the mountains of difficulty to their knees before him; who, patient to plan, infallible to achieve, with one hand grasped courageously that of his fellow man, because he had laid the other humbly in that of God. Bound up with Lee is that right arm of victory, known once and forever as Stonewall Jackson. We learn of him that the genius which wins victory all along the line, under conditions which to the common eye make victory impossible, is the moral and the fruit of faith. In him we read the old eternal mystery of puissance by persistence. The stability of soul beneath that inflexible face words translate not. No stage lightning, no theatric thunder, played part in his equipment. We who once looked upon his face, so earnestly silent, felt the silence to be a measure of the depth; as if the storm of life had ended in the silence of victory over it. By a power which cannot be put in words we felt the spell of his mysterious might fall upon his followers, and melt the sinews of their strength into his own terrible right arm.

Meditation upon Stonewall Jackson inclines one to believe that grand, genuine strenuousness is most apt to abound where there is least said about it. Bound up with Lee I have said. To this twin thunderbolt we give the reverence for true greatness which deepens with every true approach to it and insight into it. In death they give defiance unto death; vanquish death. In death they are lifted up to be the living word of our ideal. They are the Bruce and Wallace of the South. Could we rally a united South to follow in peace, with war's obedience, the banner of their characters, it were a moral Bannockburn.

This camp of veterans has deemed it a grateful and a graceful duty to group around the portrait of their chief, in death, as in life, the lieutenants of his fortitude. You felt you would not do your duty to the hero of duty if you left this undone. Here, then, we

may mark and inwardly digest the biography of the brave; here breathe in the moral fascination of heroic minds. Every man who is the hero of a brave, true life is a revelation to others. In the degree that we bow down to such life is the enlargement of our own.

It is to-night my privilege, at once proud and sad, to be your medium to accept, as worthy to be included in this goodly fellowship of fame, the portrait of one who was ever foremost in life's battle charge. The image of William H. Payne is etched on our hearts, as by the defining needle on a plate, "wax to receive and marble to retain"; or, to slightly change the figure, the mention of his name evokes the clear-cut cameo of one whose courage knew no danger, or knew it only to despise it; with whom to be heroic was involuntary. A bearing manly and refined, adorned by a gentle courtesv, was the visible sign of knightly grace and knightly valor at all times and in all places, unafraid, unaffected, unequivocal. At Virginia's school of war he had applied himself with natural relish to the profession of arms. In this camp of preparation he formed a lasting freindship with that fine type of a brave and gentle South, Thomas Henry Carter. Each was destined, by deeds, not words, to write a living chapter in the world old epic of "arms and the man." Later they met at Virginia's University, whither Payne went to study the virtue and the truth of law and Carter the ministries of healing. After the lapse of a decade, in the shock of arms which shook a continent, again they came together to win a parallel renown; Payne at the head of horse; Carter in the blaze of his fierce and stubborn guns. Touching are the words the former wrote in 1882 to Mr. Isaac Winston: "I rejoice that I lived in the heroic age of the South, and that my early life was spent in games of chivalry, romance, and, McGregor-like love for my own heath, I can say from my heart I loved Virginia—

" Beyond her map, my heart travels not,  
But fills that limit to the utmost verge."

So he grew to manhood in the days of approaching doom, when the old mother State was like the quiet lake above which the hawk is circling. It was when the clouds began to lower over her house that, in full view of the battle she would inherit, William H. Payne gave her "his promise true."

At the head of the Black Horse Troop, a band of brothers which came "not to woo honor, but to wed it," this man, with the McGregor-like love for his own heath, rode into his fearless fight for it. They rode together to fight, to bleed; if need be, to die for a Commonwealth in its own limits happy and strong; outside its own limits incurring in some parts the envious hate felt for them who have that whereof the envious feel the force and feel that lack. He, their captain, quickly proved he was by training and tradition all that we picture as the beau sabreur. As the captain rose to the brigadier, the meaning of his life flamed out for all to see. As he rode with Stuart, Hampton, and the Lees, as he rode deeper and deeper into the war, that meaning fell like a shaft of light across a darker and darker sky. War was the steel which struck the spark. He had been in boyhood the neighbor and the friend of Ashby, and was of a kindred spirit with that knight and paladin of Virginia and the valley of Virginia. They read the same books, they dreamed the same dreams. Nor was either content to be a dreamer. Each sought to make the dream reality. For them chivalry was not a mere poetic parable, but the glowing reality of life. For them the book of chivalry was not chained to the altar; but where the book was there rose an altar; and the book was the struggle of man. To each this was an infallible book of duty pointing to what for each was very nearly the whole duty of man. To be taught to struggle with obstacles, to cope with the difficult, is far the best part of education. Faith to struggle is what is meant by character—the highest being that of moral struggle with material obstruction. At the head of a charge, whether of the Black Horse Troop or of his brigade in Fitz Lee's division, Payne was in the place carved out for him by nature. A trooper's sabre was his faith, his hope and—for the foe of all he loved—his charity. As Scott said, after severing connection with Vera Cruz, Payne might have said of his own spirit, "The scabbard was thrown away and we advanced with the naked blade." A lineal descendant of that old Berserkir daring, which by preference went to sea in a storm, his was the grace which made daring beautiful. He had the joy of danger. We know by all the laws and inferences of knowledge that the bugle call to arms was to him as the cry of hounds to the hunter, or the roll of the reel to one who wanders by the trout stream. The gleam of his

sabre was as the flash of a knightly eye. He knew by instinct how to excite and sustain enthusiasm. He was as alert in his disciplined precautions as he was intrepid in facing odds. He was an enthusiast in war, in letters, and politics. Whatever he did, he did it with all his might. Briefly, let me illustrate the traits of one for whom numbers had no terrors; who despised numbers and defied defeat. They are traits which illustrate the dash and daring most essential to the cavalry officer.

On September 3, 1864, he took command of his cavalry brigade (consisting of the Fifth, Sixth and Eighth Virginia Regiments) in Fitz Lee's division, then operating with General Early, in the Valley of Virginia. It was his brigade, with him at the head of it, which guarded the left flank of Early's army in the battle of Winchester and repulsed the Union cavalry in the Luray valley. His brigade, with him at the head of it, led the advance of Gordon's division, in the attack upon Sheridan at Cedar Creek. Crossing the north fork of the Shenandoah, below Cedar Creek, by a swift dash with picked men, he fell upon and captured the enemy's pickets and outposts without firing a shot. The enemy's camp was taken so completely by surprise that two divisions of Sheridan's corps, their camp, with all its equipment, wagons, horses, guns, fell an easy prey to Gordon's foot cavalry, which followed. Gordon, in his published reminiscences, gives this account: "General Payne, of Virginia, one of the ablest and most knightly soldiers in the Confederate army, plunged with his intrepid cavalry into the river, and firing as they went upon Sheridan's mounted pickets and supporting squadrons, the Virginians dashed in pursuit, as if in steeple chase with the Union riders, the coveted goal of both being the rear of Sheridan's army. The Federals sought for safety. Payne was seeking to spread confusion and panic in the Federal ranks and camps, and magnificently did he accomplish his purpose."

At New Creek, a station on the Baltimore and Ohio Railroad, in Hampshire county, in November, 1864, as Rosser, then in command of the division, approached the town, Payne requested that his brigade might lead in the assault. Colonel Cook, of the Eighth, who well knew the place, did not think it could be taken by assault. In the absence of surprise, this, no doubt, was the case. Rosser, however, gave to Payne the control of the advance and attack. The

latter so moved the first squadron, that the pickets and reserves of the enemy were captured without firing a shot. He then moved down the road at a walk, until he reached the foot of the hill on which a fort had been constructed. No fire came from the fort because the advance was thought to be their own cavalry returning from a raid; as it had been conjectured would be supposed. Payne, then, ordering a charge, rode upon the gunners, in the act of driving the first shot into their guns. In less than half an hour the fort, town, and 828 prisoners had been captured. In Payne's last battle at Five Forks, in command of what had been Fitz Lee's division, he held in check and repelled a large force of Sheridan's cavalry. A severe wound, received by him in the fight, spared him the deeper wound of surrender at Appomattox. While lying helpless, at his home in Warrenton, he was again captured and again imprisoned.

The spirit of battle which stirred in him was kind as it was brave. It was the spirit of one born to command. The ties cemented in war's peril were for him a sacred chain of obligation. Of all the troops he led; of all the staff who bore his orders; of all under him, or over him, in that fiery horse, I have yet to meet the man who was not proudly conscious of that chain and proudly captive to it. His chief of staff writes of him: "A more gallant soldier, inspiring leader, or resourceful commander never drew sword in any cause." Wounded and left on the field at Williamsburg; wounded and captured at Hanover near Gettysburg; wounded again at Five Forks and captured afterwards, as we have seen, Payne's life was spared for the moral battle to which a prostrate South was summoned.

The definition, "War is Hell," was given by a prominent participant in the war between the States. In the Savannahs of Georgia; the homes of the Carolinas; the valleys of Virginia, deeds were done which merit the definition. In those sweet valleys, over which, by orders from headquarters, the crow in flying should carry his own rations, the word was not a misnomer. A warrior's renown consists no longer in the greater host of armed men his valor hurls to defeat, but in the greater host of sorrows he fearlessly hurls on the unarmed. Time was when the warfare of the hero Saint was known as "Imitation of Christ." Our higher altruism knows it as "Imitation of Hell." Sherman, defending the conduct of his troops in South Carolina, said to Carl Schurz: "Before we got out of that

State the men had so accustomed themselves to destroying everything along the line of march that sometimes when I had my headquarters in a house that house began to burn before I was fairly out of it. \* \* \* It always has been so, and always will be so." It has not been always so. On entering Pennsylvania General Lee proclaimed: "It will be remembered that we make war only on armed men." General Scott did the same in Mexico. Mexican ranches found their best market in his camp. Beyond the Christian pale we may find example. The successor of Mahomet, in dispatching his army into Syria, instructed as follows: "When you meet with your enemies quit yourselves like men, and don't turn your backs, and if you get the victory, kill no little children nor old people, nor women; destroy no palm trees, nor burn any fields of corn; cut down no fruit trees, do not any mischief to cattle, only such as you kill to eat." When last summer the war in Morocco had subsided, it was reported; they, the people of Morocco, "have had a chance to see how a civilized nation fights. It has amazed them to discover that French soldiers respect womanhood and refrain from looting." Nevertheless, it may be admitted, that the war waged by philanthropy against the South was correctly described as "hell" by one of the philanthropists.

There remained the lesson, "Peace is Hell." To overthrow the armies of a people is not so fatal as to degrade the ideals of a people. To crush the body is cruel, but not so cruel as to deprave the soul. In the ideals they really pursue is the measure of the real faiths and reasonable hopes of Nations, States, Social and Federal Unions. Our motive force is in the ideals which are really our own. Is the published ideal a reality, or only a blasphemous appearance? Very nearly the last word of the Confederate Congress had this sob of despair: "Failure will cause us to drink the dregs of the cup of humiliation, even to the bitter dregs of having the history of our struggle written by New England historians." Because this prophecy is so far toward fulfilment, I am so unmerciful to-night. In 1861 a strife of swords was invoked to establish a new ideal. "They chose new gods," cried Deborah: "then was there war in the gates." I crave your merciful patience with the narrative of what it was which was displaced and wherewithal it was replaced by Reconstruction.



Old as Aristotle and older, is the distinction of governments into bad or good according as they exist for the sake of the governors or the governed; according as they are held as a spoil for the governors, or as a trust for the governed. The binding force of States, which create, for their own and for succeeding ages, what we call grandeur, is the force of noblesse oblige. The truly strong give to the weakness of others a sympathy, born of victory over their own. The rock on which society is built is that of a nobleness conscious of the obligation to be noble. This is the origin as it is also the ideal of that ever miraculous force we call society. "It was by Rome's self abnegation," wrote Mr. Bryce, "that she romanized the world." Not by material but by moral force, man is made paulo minus ab angelis. What might be called the government of Noblesse Dispense achieves dispensation from all this. Where the former principle bears sway, we have the great States which are lamps to distant ages. Where the opposite is absolute, although the monarch be called, as in ancient Persia, the great king, his realm in the tale of time is small. We read the record of a selfishness, which, in the midst of palatial graft shrivels the soul. Selfishness is contraction. Sacrifice is expansion. The human secret is this of Noblesse Oblige. Obligation measures elevation. Intuitively, we impute this correlation to the Almighty Height. The foundation of man's metropolis are two—reverence and sympathy—the second made in the likeness of the first. Consciousness of this caused the men of old to speak of law, as a covenant with God; of the State as Divine.

Freedom is the free dominion of the law; and the law might be defined as the condition a creator imposes on his creature, which, like the condition a mathematician imposes on a curve, must be satisfied for the creature to properly exist. As we satisfy the conditions of freedom are we free? Does the freedom of which you talk mean freedom for duty or freedom from it? The power to be free is not a quite universal faculty, but the prize of a battle renewed every morning by them who sleep on their arms every evening. The issue to be tried is—which is stronger love of justice to others or rapacity for self? The true "irrepressible conflict" is the conflict between freedom and corruption; between Noblesse Oblige and Noblesse Dispense. What is called the birthright of freedom is the heritage of past heroisms and sacrifices. The sum total of all the conquests which have been made of man's inherent selfishness is

that on which his hope is stayed. As this conquest is, civilization, the refined sense of justice, is.

It seems now a rainbow of romance, but there was once administered a justice which, like human life at common law, was so far beyond price as to admit of none. For some seventy-five years of her independence, and far back of that in her history, the administrative and judicial functions of every county in Virginia were administered by magistrates who, without compensation to themselves, rendered judgment between litigants who incurred no costs. Washington had been one of these magistrates, and before him Fairfax, Baron of Cameron. Jefferson was one. William B. Giles and John Taylor, of Caroline, were added to the list after each had left the Senate of the United States, and Monroe after he left the White House. "There is no part of the country," said John Marshall in 1830, "where less of disquiet and less of ill-feeling between man and man is to be found than in this Commonwealth, and I believe most firmly that this state of things is mainly to be ascribed to the practical operation of our county courts. The magistrates who compose those courts consist in general of the best men in their respective counties." Here was that "unbought grace of life" which Burke calls the "cheap defense of nations." It comes back to us like a picture of some far off, fabled, golden age. It is the story of a society, simply and soundly true; not a new affirmation, but a reaffirmation of those peaks of the past, which are freedom's Sinai. The ideal of that old day stood in direct relation to daily life. It was not a profession. It was a vocation. Men had faith in each other and were justified in having it. Love for Commonwealth and willingness to die for it made a moral unit of their minds. A whole world were the unfair exchange for that clean and wholesome soul. Will you compare it with "prosperity" which, pointing to "rake off," "honest graft," and the like, says these are my jewels? There were free men once who held it prosperous to be just. A country which is loved for the honor, the noble sympathy, that is in it—ah! how much better than the country, which is loved for the corruption which is in it! After all, may not magnanimity be a poor swap for magnanimity? It is the virtue, not the bigness, of a State which is greatness. To govern honestly is more than to misgovern widely.

The convention of 1829-30, in which Marshall's words were spoken, was the arena of contest between sections having, as they deemed, antagonistic interests; the West having the numbers, the

East the property; a struggle of the West to acquire, of the East to retain, power; a geographical difference in which East and West stood to each other somewhat, as in another war of sections, the South stood to the North.

In that passionate debate, it was asked, in respect of all the men who had ever voted in the Commonwealth: "Has one of them ever been bribed for his vote? Has any gentleman ever heard of a single instance?" It was a memorable challenge. From the ocean to the Ohio no man could point to a single instance, nor to one abuse of the taxing power. And why? Because, as stated by one of the leaders of the West, they, who were invested with the power to tax, "were governed by the principles of justice and the feelings of honor." There was another reason. They who laid the taxes, paid the taxes. They who bore rule, bore the burden of rule.

The social structure extolled by Marshall was a freedom which bound citizen to citizen by stronger ties than those of force. It was the ascendancy of high over low ambition. It brought justice to every man's door; a justice which held the weak by their right; the strong by their duty. Patriots did not then take office as a means of support, but, on the contrary, impaired their means of support in taking office. Eminence and beneficence were correlative. When the service of Commonwealth at the expense of self is exchanged for the service of self at the expense of Commonwealth, it is self, not Commonwealth, which is loved and served. Like Jefferson, the sons of Virginia might bankrupt themselves in the service of their country, but they did not recoup from the chest confided to their custody. Uncompromising honesty in public life was their riches. They were trustees receiving from a cherished Commonwealth powers of which strict account was given. They became great by sharing burdens which weighed others down, whereby others shared the dignity which lifts greatness up. They offered the calm depths of lives which bowed seven times a day to the sacred city of social compact. The arm of a common mother in loving kindness was around her children. These are the forces which accumulate the moral capital of a community. When eminence means sacrifice; when it means gift of yourself, not gift to yourself, all do not speak at once. It comes back to us like a breath from some higher sphere, recalling the truth, sure as anything reached by mathematical exactness, that it is this obligation of the greatest to the least which is the root of all good; rather than the old animal rule of the extinc-

tion of the weaker by the stronger—the love of self—which is the root of all evil. There is a difference between the old-fashioned respect which character commands, <sup>ed.</sup> and the servility which money and appointing power buy.

The great things of this world have not been done for the money that is in them. They have been done for the greatness that is in them. The grandeur of this world, that on which it turns as on a pivot, has been the work of intense natures seeking as a paramount prize the accomplishment of their work. A sense of responsibility in the gifted for the inadequate; compassion for the friendless; sympathy for the wronged, is the fine expression through human agents of the justice and love of the Creator. It is the purest and most undefiled religion.

The high men of that old day gave to a Commonwealth characters which touched with their own beauty the very humblest who stood near them and looked up to them. They were made in the image of their State; or, shall we say, their State was the mirror which threw back their image. We see in them a certain repose in greatness, and not the restless impatience of them who are forever agonizing to persuade themselves and others that they are great. It was a Commonwealth whose binding link was sympathy; great, because of heartfelt sympathy with greatness. The trouble with this civilization was not that it was too low, but that it was too high; not that it was beneath them who railed against it, but that it was above. Because she was true to her own tradition, Virginia deserved to be called by James Russell Lowell, "Mother of States and unpolluted men." Those "unpolluted men" had the self-respect which springs from respect for others, and is rewarded by respect of others. So grew Virginia, as grows a high-born tree; spreading by slow degrees in the vital air of sympathy—a sympathy, wide and warm as her own tender sky.

At the first flight of the Eagle of Union, John Randolph of Roanoke, saw what he called the "poison under the wings." Through his life he fought with the gift divine of genius to expel it. Few there were who could withstand the power of that piercing eye. He knew how to impale the avowed high motive for the action that was mean: how, with a lash of flame, to strip selfishness of all disguises; and they who writhed under his wrath abhorred the terrible truth of his veracious scorn. The simulation of the ethics of love by the ethics of lust has been the arch mock to procure each re-

curing downfall of fair hope. This simulation it was the mission of his fearless wisdom to lay bare with a consuming fury. The sophisters could not entice him. He was peculiar, they said—too peculiar to be practical. From of old God's people have been a "peculiar people." Doubtless, it is true, that in the modern sense no man could have said to him, "We are practical men." He had looked deep into realities. For this reason his speech pierced through and through appearances. To face the cohorts of the cupidities and to tell them to their teeth that their evil is not good is a role which appeals but feebly to the opportunist. The fearless speaker of the truth; the fearless scourger of the false, is not the popular idol. His message is the great message of all freedom, the restraint of selfish power, the conquest of selfish passion, the conquest of self. The freeman is he who recognizes the obligation of restraints, to break through which is anarchy.

Like this son of her ardent soul, Virginia shrank not from "the cause of liberty in the capitol." Her battle was to replace "the divine right of kings" by the divine right of justice; to defend the simplicity of truth against the idols of the time. She stood for that moral order which men may violate, but at their peril and to their ruin. Can brute force, the law of the jungle, be supplanted by the moral law of justice, is the problem freedom undertakes to satisfy. It is a struggle for the deep things of freedom; for the divine reality of a State, for living relations to eternal freedom. Against the ever-recurring selfishness of States, slipping like a snake from skin to skin, Virginia set her face like a flint. She gave her challenge to that gross materialism which is the hereditary foe of man. Specious devices to make the welfare of all pay special tribute to the pockets of the few faced at every turn her "stern round tower" of State's rights. Until overthrown by force in 1865, you will search the statutes in vain for traces of her selfishness. Everywhere she denied herself with a now forgotten grace.

On the threshold of independence, her own Bill of Rights had set forth the inherent rights of freemen. First and foremost was their right to that government which "is most effectually secured against the danger of mal-administration"; and the correlative of this, that the magistrates who exercise power are but trustees. As privilege proceeds liberty recedes, was the doctrine of those "strict constructionists." The cheerful giver of the money of others did not strike those "Virginia abstractionists" (derisively so-called), as a

superlative phenomenon. The "protection" they demanded was protection from power—the protection of which patriotism is the reciprocal; security against a less abstracted class of "abstractionists," bent upon abstracting the property of others. At the instance of the "corrupt squadron" (the idiom borrowed from the lexicon of Jefferson) to despoil the force (the common sacrifice for the common weal) confided by the whole and for the whole, the trust fund of the commons, was, in their eyes, to lay unhallowed hands on the ark of the covenant. It was the fateful way to bring to the front what Mr. Dooley calls "those brave men elected by the taxpayer of America to defend the hearths of the tax dodger of America."

By the searchlight which the present throws back upon the past, he who wills to look may see, that they were not narrow, but wide visioned and far-sighted who foresaw what is to-day the paradoxical combine of liberty and mammon; who saw in this the likeness of another paradoxical joinder, spoken of as that of God and Mammon; and, in the partisans of paradox, another kind of strict construction; the strict construction of God and latitudinous construction of Mammon. It was the part of statesmanship to strike at the root of that which is to-day so resoundingly denounced as "predatory wealth"; to strike at the source of malefaction rather than while leaving that in full force and effect, to blast with spiritual thunder the lineal malefactors; to strike fearlessly the cause, rather than seek to condone it by rhapsodies of Billingsgate—vociferous and vain-hurled upon the inevitable consequence. Gencrosity with trust funds is parent of a multitude of evils; among the evils—Havenmeyer being judge-parent of the predatory trusts, it is just now courtly to condemn.

True, by others the Mother State was taunted with retrogression. True, the State which gave to the Union not only the Northwest Territory, but the pastures of Kentucky, was reduced thereby in territory and in wealth. The rewards of sacrifice and cupidity are not the same. When sacrifice grows lucrative it ceases to be sacrifice. Virginia stood with all her power to prevent that spoilation by government which is twice cursed—cursing the spoiler and spoilee. The contagion of free government was sought to be spread by example, by intrinsic merit, not by corruption; not by subjugation. There she stood, as afterwards at Manassas stood her immortal son, "like a stone wall." How rich the moral return was

shown in the day of her distress, when, from the four corners of the earth her sons came trooping to her to lay all they had on earth upon the altar of sacrifice for—a mother! In the high old Roman sense she could say: “These are my jewels.” There came a day when Virginia walked bejeweled from sacrifice to sacrifice—like the Roman mother with her resplendent boys. Washington at the beginning, Lee at the end, of Federal Union, attest the ideal of a Commonwealth.

It was a simple and grand old day when, in this city, John Marshall might have been seen each morning wending his way to the Old Market, accompanied by the negro slave, who carried his basket for him. The line, dark and dangerous, between power and poverty had not then been drawn. If it be replied “the relation between white master and black slave was just that line,” I answer, it was no such dark and dangerous line as exists to-day between the extremes of wealth and poverty; between capital and labor. The interval between Marshall and Marshall’s Jack; Wickham and Wickham’s Bob, was spanned by a bridge resting on the two great pillars of reverence and sympathy. On these two is laid that structure of law and prophets which binds the State together. When the discussion was transferred to the forum of force, the proof was made conclusive that this government of honor, by honor, and for honor, was also the government of love, by love and for love. They who had not shrunk from sacrifice, did not shrink from danger. In language which cannot be obliterated, they said: “Our bosoms are one.” The Virginia which had known how to live greatly knew also how to die greatly. Death for country was “sweet and beautiful” once more. It is all a dreamland of the past, that garden of fragrance and bloom; of beauty and peace. The dying landscape of that “First Garden” of free government now wears the quaintness of a vanished age, haunting reminiscence with a beautiful regret. It is a memory and a mist. When this Dominion ended, Virginia could say, like the last of the Judges—“Whose ox have I taken; of whose hands have I received any bribe to blind my eyes therewith?” With war’s revolution the Book of Judges closed, the Book of Kings was opened.

To all this there is an exceedingly simple answer. The South has been condemned at the bar of civilization for holding the negro in bondage. Of all the cruel ironies of fate none seems quite so

sardonic as the turn of events which made New England the judge and executioner of Virginia for the sin of slavery.

In the decade which gave a new world to Castile and Leon two events conjoined to dramatize, on a colossal scale, that profound parable of the talents which, of itself, epitomizes the rise and fall of the children of men. In this colossal miracle play, the negro of the whole unrecorded past was seen, like Adam, in one of those old plays, standing there waiting to be created. To exchange such condition of mind and body for usefulness of some kind was the condition precedent to any rise. A law more immutable than that of Medes and Persians; a law which knows no relenting; the implacable law of "use or lose," caused to be entered the judgment of which involuntary exodus from Africa was execution. Our eriminal jurisprudence sentences a man to hard labor as a sign of degradation. Nature sentences a man to hard labor as a sign of promotion. It is when we reject the sign of promotion, that we incur the brand of degradation.

South of the Great Desert (the slip north of it being really Asia) was a continent filled with human beings engaged in continuing their animal existence; a moral Sahara, as barren of moral use as the sea of sand which bounded it. Beyond their existence, what very literally was their bare existence, these "heirs of the ages" had nothing to show for their inheritance. As title to the realty he knew not how to use was denied to the red man of America, so by a parity of reason, title to an intangible freedom was denied to the black man of Africa. The laches of six thousand years was the plea in bar to any assertion of negro freedom. Loaded down with the stagnation of six millenaries; lame and halt with locomotor ataxia of the spiritual spine, of what use to himself or others was this freedom—freedom to rot? The sloth of ages had been heaping up death to everything save anamillities. By a movement so swift as to seem electric, Europe said, "Let us use the idle sinews of the east to develop the idle fertilities of the west; out of two refractory negations make one intelligent affirmative; thus supplying a reason for existence to two continents, otherwise having none." Europe became a huge employment agency for the idle hands and idle acres of two worlds; that two voluntary inutilities might be fashioned into involuntary utilities; and did not trust to baptism unaccompanied by works. Land and the unemployed were brought together on a



business rather than a philanthropic basis; but like more modern agencies for profit, this too called itself philanthropism.

The Red Man, by a mute appeal more eloquent than words, had said, "give me liberty, or give me death." The answer came—"we will give you death." The negro, who imposed on himself no such extreme alternative, took the place thus made vacant. When Hawkins made his voyage to the coast of Africa, there to collect a cargo of heathen raw material to be built into pious uses, Queen Elizabeth lent him her good ship "Jesus," for the prosecution of his missionary zeal. One of the few features of the Peace of Utrecht which gave general satisfaction (Queen Ann went in person to communicate it to the peers) was that Assiento treaty whereby the right to supply Spanish colonies with negro slaves was transferred to England. A *te deum* composed by Handel was sung in thanksgiving. The elder Pitt made this trade "a central object of his policy." Great is England's pride in the Somerset case, wherein the greatest judge who ever sat on a common law bench decided that the law of England provided no remedy whereby, in England, the master could reclaim his slave. At that very time the government of England had negatived every effort of Virginia—twenty-three in all—to prohibit the slave trade.

Nowhere was the profit of this trade enjoyed with keener zest than in New England. The composition of the first fugitive slave law was all her own. The first slave ship of an English colony—the "Desire"—was built at Marblehead, Massachusetts. At the time of the Declaration of Independence slavery was recognized by law in each of the thirteen colonies. That declaration did not suggest the emancipation of a single slave, but did arraign George III. for seeking to foment servile insurrection.

The close of the revolution was signalized by Virginia's gift, not of principalities, but of empires—to cement Federal union—called a "League of Love." The deed of cession of the northwest territory was executed by the delegation of Virginia in Congress, in 1784, agreeably to an act of the Legislature passed in 1783. Years afterwards, in the debate with Hayne, Mr. Webster took occasion to say that by the ordinance of 1787, excluding slavery therein, Nathan Dane, who wrote it, thereby became greater "than Solon and Lycurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world."

The facts are these: Congress accepted this cession and directed

Jefferson of Virginia, Chase of Maryland, and Howard of Rhode Island, to prepare a form of government for this northwest territory. Their report, in the handwriting of Jefferson, contained a prohibition of slavery after the year 1800. On motion of Mr. Speight of North Carolina, to strike out this prohibition. All New England voted aye. Every vote, north of Mason and Dixon's line, is recorded in the affirmative. Virginia, Maryland, South Carolina voted "no"; North Carolina divided. By the vote of a solid North, the prohibition was struck out April 19, 1784.\* Afterwards, *ne-mine contradicente*, was passed the ordinance of 1787; reduced to writing, it would seem, by Nathan Dane, as *amannensis*. The mechanical office discharged by the medium of transcription, sent to the rear, we are told, all Greek, all Roman fame. In the succeeding generation a great orator exclaims: how divine in the donee, in the grantee, the recipient! Virginians said—"we will deny ourselves the right to go with our own property (purchased largely from you), upon our own soil." This has the aspect of a "self-denying ordinance." Virginia chose the sacrifice of self, crowned with thorns by the beneficiaries; rather than the sacrifice which crowns itself with place, power, profit—the sweet sacrifice of others. She was solicitous to give to freedom a spacious empire from a heart more spacious. Webster's praise commemorates a difference of ideals—a difference between the name and the reality.

On October 5, 1778, the General Assembly of Virginia passed an act (the first of the session) prohibiting from that date the importation of any slave into the Commonwealth, by sea or land. Twenty-nine years before England, twenty-nine years before the Congress of the United States prohibited the slave trade, Virginia placed her abhorrence of it on the statute book. By whom was this law repealed? In effect, by the vote of a solid New England, in the convention of 1787. What old England began, New England completed. In the sale of opium to China who is the arch sinner—England or the Chinese? In the importation of slaves by the slave trade, was it the slave trader, or his customer, who first and foremost was responsible? "This infernal traffic," said George Mason, "originated in the avarice of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. He lamented that some of our Eastern brethren had from a

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\*Journals of Congress, Vol. IX, pages 98, 99.

lust of gain embarked in this nefarious traffic." "Twenty years," said Madison, "will produce all the mischief that can be apprehended from the liberty to import slaves." As between Virginia's cession of her northwest territory for the sake of the union; and New England's refusal (for the sake of union) to relinquish, until twenty years had passed, "this nefarious traffic," which denotes sacrifice for union, for freedom, and union for the sake of freedom? "We demand," said New England, "our right to fasten upon you the fangs of this 'nefarious traffic' for twenty years to come." If New England can forgive herself for this, what should she not forgive? She did forgive herself without a groan.\*

It was not slavery, it was the slave trade, which John Wesley called "the sum of all villainies." This was what New England made THE CONDITION PRECEDENT TO UNION. The capital invested in the lucrative exchange of rum for negroes could not (or would not) sooner adjust itself to the impractical views of Madison and Mason. The constitutional power of amendment was inhibited from touching this provision. By profits thus derived, the sons of New England, their legatees and distributees, have been enriched. Which of them has flung upon the ground the "tainted money?" Iscariot attained to this. An old maxim tells us: "the receiver is as bad as the thief." None, with which I am acquainted, makes him worse. Old England and New England handed the forbidden fruit to the South—themselves blind and deaf to the torments of the middle passage (to the negro) in their zeal to do so. Then rolling up the whites of their eyes, they join to upbraid the South for retaining property sold for cash still unreturned by the

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"\*As soon as this trade (the slave trade) was cut off by the act of Congress of 1807, the sinfulness of it presented itself in glaring colors both with our Eastern friends and the British." William Smith, of South Carolina, in United States Senate, January 26, 1820. That truly great man—great no less for the soundness of his judgment than for the sincerity of his opinions and the probity of his character—Nathaniel Macon of North Carolina, said in the same debate: "With all the sins of holding slaves, we have not that of going to Africa for them. They have been brought to us by the citizens of the States which hold none. The only time in Congress that I ever heard the slave trade defended was by a member from the same State with the gentleman from Rhode Island. \* \* \* A bill was reported in the Senate to whip those who might be in any way engaged in it. The whipping was struck out (*not by the votes of those who represented slave States*), because a rich merchant might be convicted, and it would not do to whip a gentleman."

vendors. They retained the approving consciences of well-filled pockets. That was a wonderful bill of sale, having no parallel, which assured to one side excommunication and anathema, and to the other "prevenient grace." The excommunicated were the same who with all their strength had protested against the wrong. They who hurled the curse were the same, who, over protest, had inflicted the wrong.

What created the difference between States with negro slaves and States without them? Difference of climate, soil, production. Parallels of latitude voted for or against the negro. The isothermals legislated. Rice, sugar, cotton, tobacco, said, "where we are, there is your home." The logic which defined the chasm between convictions was the pitiless logic of a line. Right and wrong were geographical.

My friend, as I esteem it a privilege to call him, Major John W. Daniel, in an address at the University of Virginia, quotes Mr. Hoar, late Senator from Massachusetts, as saying of Jefferson, "he stands in human history as the foremost man of all whose influence has led men to govern themselves by spiritual laws." Of all emancipationists, Jefferson was by far the greatest. As early as 1778 he sought to begin the work of emancipation in his own Commonwealth. His words of sympathy for the slave are often quoted at the North. He was, however, an emancipationist, not because of ill will to the master, but because of good will to the slave. He was the friend, powerful and sincere, of the great struggling masses. It was as the sincere democrat that he was hated. That part of the constitutional compact which could lend itself to forward the views of this man and his school (i. e., the three-fifths representation of slaves in States, which cast votes for his school) was obnoxious to them to whom his views were visions, not desired to be realized. It could not be because of any wish to increase or prolong slavery that the Missouri compromise fell upon the ear of Jefferson "like a fire bell in the night." "The movement," he said, "is under the false front of lessening the evils of slavery, but with the real view of producing a geographical division of parties." To LaFayette he wrote: "It is not a moral question, but one merely of power \* \* \* to raise a geographical principle for the choice of a president." To Mr. Holmes (then of Massachusetts), he wrote these prophetic words: "A geographical line coinciding with a marked principle, moral or political, will never be obliterated, and every new irritation

will mark it deeper and deeper." "Thank God," he wrote to John Adams, "I shall not live to witness its issue." His race was run. Not for himself, but for his country, was his warning. It may be that in his far famed "Declaration" there is "glittering generality." It may be "all that glitters is not gold." But no false philosophy lurks in this brief chronicle. It is the aged wisdom of one who from youth to hoary age was freedom's friend. It is his last word and testament. "Every new irritation" reveals new depths to it. It is that dying declaration, when the eye, in the presence of death, is purged of the films of self. To him the Missouri question was the cover under which absolutists stalked their prey. Let the foe tear down the outer wall for any purpose, it will be abased for all. He saw a movement to make the name of freedom do yeoman service for them who were in arms against the reality. Geography would henceforth be their tireless recruit, and slavery the flail wherewith to beat down freedom. His was the despair of one who embodied, as did no other, the democratic idea. His instinct taught him when to fear and when to hope. He had hoped for a rule whose force would be justice. He now foresaw a reign whose justice would be force. The sanguine labor of his life seemed lost at the close. Events seemed to say: "Aha, Jefferson, we have thee on the hip at last." Realizing in his old age the triumph which had come to stay of nominal over real, he turned his face to the wall.

John Quincy Adams noted in his diary: "The discussion disclosed a secret. It revealed the basis for a new organization of parties."\*

The convention of Northern States which met at Harrisburg to outline the tariff of 1828, known as the "Bill of Abominations," was the confirmation of Jefferson's forebodings.

Had Parliament granted to the colonies the right to appear by representatives (easily outnumbered by the rest of the Commons),

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\*"Jealousy of Southern domination had, as we have seen, made the Northern Federalists dissatisfied with the purchase of Louisiana. \* \* \* The keeping out of new States, and the alteration of the Constitution as to the basis of representation, \* \* \* were projects too hopeless, as well as too unpopular in their origin, to be renewed. The extension to the new territory west of the Mississippi, of the ordinance of 1787 against slavery, seemed to present a much more feasible method of accomplishing substantially the same object. The idea, spreading with rapidity, still further obliterated old party lines, tending to produce at the North a political union for which the Federalists had so often sighed."—*Hildreth*, Vol. VI, p. 683.

how nugatory, would have been the colonial vote. So specious was the scheme to make the South the milch cow for the North. Real consent of the governed would be violated at the threshold. "I will," said John Randolph, "put it in the power of no man or set of men who ever lived, or who ever shall live, to tax me without my consent. It is wholly immaterial whether this is done, without my having any representation at all, or, as it was done in the case of the tariff law, by a phalanx, stern and inexorable, who, having the majority and having the power, prescribe to me the law I shall obey \* \* \* The whole slave-holding country, the whole of it from the Potomac to Mexico, was placed under the ban and anathema of a majority of two." The logic of liberty thus spoke. That wizzard glance, flashing with a supernatural insight into the heart of things, saw in this the shadow of a stroke which would one day fall with destructive force; and which destructively has fallen. The ounce of prevention would have saved what whole cargoes of cure are powerless to remedy. The power which buys legislation wholesale is sequence from this antecedence. The injury of the many for the profit of the few cannot well have other sequence. Once more, the issue between good government and bad government; between free government and slave government turns on this—Is public good or selfish greed the propelling power? A liberty to be corrupt! Death and decay have that.

Was it not natural for "practical politicians," who had this matter at heart to ponder, by what common bond the States once assembled at Harrisburg might be massed again in more formidable phalanx and for the answer to flash—"are we not the States called free, the other, the States called slave"? Freedom against slavery—could battle cry be more sublime than that? Lifting up their eyes, they looked across the Potomac, the Monongahela, the Ohio and whispered with burning breath—"Lo Naboth's Vineyard."

They who might so easily be solid for the name of freedom, why not also for the reality of profits? All that was needed was a swap of the moral force of freedom for the material force of empire, brutalizing and diabolizing; all the more infernal, because masquerading under the name of love for others—taking in vain that holy name. The dangerous enemies of a republic are not the men who make open war upon it; but the men who insidiously undermine.

Events were moving on toward completion, when Andrew Jack-

son, in his message of January 2, 1835, found it needful to denounce the use of the United States mails for the circulation of inflammatory appeals addressed to the passions of slaves. In such use of the mails, the hero of New Orleans could see but one object, viz.: "To produce all the horrors of servile war."

Mr. William Channcey Fowler, in his book, "The Sectional Controversy" (published in 1864, when the author was a member of the Connecticut Legislature), says, that some fifteen or twenty years earlier, as a leading member of Congress, who afterwards became a member of a presidential cabinet, was coming out from a heated debate, he was asked by the writer, an old college friend: "Will you inform me, what is the real reason why Northern men encourage these petitions?" (For the abolition of slavery.) He said to me: "The real reason is, that the South will not let us have a tariff; and we touch them where they will feel it." It was as if, in the darkness, a voice was heard which only the wisest then knew how to translate, saying: "Go to; we will wage our war against the name of slavery as the most effectual way to defeat once more the ever baffled fight against the reality; make African slavery free that industrial liberty may be enthralled; in the name of equality rivet inequality; break one set of fetters for power to forge another."

Was it a symbol of this tumult, that in the year 1828, the ship of the line, *Constitution*, was surveyed and pronounced unseaworthy; her timbers decayed, and the estimated cost of repairs a sum far in excess of that expended for original construction? Patriots, not a few, were prepared for out and out abolition; or (practically the same thing) for the sale at public auction of material, which for some other purpose than that of "Ironsides" of liberty, might be worked up and made available. Then from a poetic throat rang out: "Ay, tear her tattered ensign down"; and a poetic storm drove back the inroad of Goth and Vandal upon the physical emblem; upon the name of *Constitution*. How fared it with the reality; with that moral wall, built also as bulwark against the foe, of which the wooden wall was emblem? This also was exhibiting the weather stain of storm; and there were those who would exchange the old timbers of tradition for a new fabric, having more of the pageantry of power. The assaults were stayed. The ship of state was suffered to sail on; and upon sufferance sailed. Three decades would hardly pass before this ship would be given "to the god of storms"—with none to prevent; none to relent.

The Rev. Nehemiah Adams (whose last act, before leaving Boston to seek softer skies for a sick daughter, had been to assist in framing the remonstrance of New England clergymen against the extension of slavery into Kansas and Nebraska) wrote: "The South was just on the eve of abolishing slavery. The abolitionists arose and put it back within its innermost entrenchments." As late as December 11, 1845, an article appeared in the *Richmond Whig* advocating the abolition of slavery and saying that but for the intemperance of Northern Fanatics, it would be effected.

In the house of them who felt so keenly their mission to call others to repentance, how fared it with the negro? There no Federal Compact could run athwart benevolent intent. In the general laws of Massachusetts (compiled in accordance with a resolution of February 22, 1822) it is provided: "That no person being an African or negro, other than subjects of the emperor of Morocco"—(and certified citizens of other States) "shall tarry within this Commonwealth for a longer time than two months." In case of such prolonged stay, if after warning and failure to depart, "it shall be made to appear that the said person has thus continued within the Commonwealth, contrary to the tenor of this act, he or she shall be whipped, not exceeding ten stripes, and ordered to depart, and if he shall not so depart, the same process shall be had and inflicted, and so toties quoties." In March, 1788, this was one of the "perpetual laws of the Commonwealth." It passed out of existence (*subsilentio*), in the general repealing section of an act of March 29, 1834. When in his reply to Hayne, Webster said: "The past at least is secure"; this was part of that past still under the lock and key of statute. Among the kindly affectioned slaves of my first recollections, remembered by me with a kind affection, I am satisfied there was not one who would have sought, or could have found solace, in the hospitable hand extended from 1788 to 1834. They who bestowed this liberty of the lash became our angry judge. Liberty to be whipped at each recurring sessions of the peace; "and so toties quoties!" What a "door of opportunity" for the African—"not a subject of the emperor of Morocco."

When war raged for freedom, how was it then? In September, 1862, General Dix proposed to remove a number of "contrabands" from Fortress Monroe to Massachusetts. To this Governor Andrew replied: "I do not concur in any way, or to any degree in the plan proposed." The war governor proceeds: "Contemplating, how-



ever, the possibility of such removal, permit me to say that the Northern States are of all places the worst possible to select for an asylum. \* \* \* I would take the liberty of suggesting some Union foothold in the South." In this same month, the Adjutant-General inquired of the army of the West: "What is to be done with this unfortunate race? \* \* \* You cannot send them North. You all know the prejudices of the Northern States for receiving large numbers of the colored race. Some States have passed laws prohibiting them to come within their borders. \* \* \* Look along this river (the Mississippi) and see the number of deserted plantations on its borders. These are the places for these freed men." Was ever altruism like unto this altruism? Ever, as with the constancy of natural causes, exercised in some other man's house, on the banks of some far-off, ancient river. On these terms who would not be an altruist?

"In the State where I live," said John Sherman, on April 2, 1862, "we do not like negroes. We do not disguise our dislike. As my friend from Indiana (Mr. Wright) said yesterday, 'The whole people of the Northwestern States are, for reasons, whether correct or not, opposed to having many negroes among them, and that principle or prejudice has been engraved in the legislation of nearly all the Northwestern States.'"

From an early period in Illinois there had existed a system of indenture and registration, whereby the services of negroes were bought and sold. At December term, 1828, it was held that "registered servants are goods and chattels and can be sold on execution." The system had a strong opponent in Edward Coles, who, in the words of Nicolay, "though a Virginian," waged relentless war against it, beginning his reform in his own house. He emancipated his own slaves. Where are the paeans of praise to him? The paeans are reserved for another who begins and continues his reforms in some other man's house. On the 12th of February, 1853, an act was passed, making it a crime for a negro to come, or be brought, into the State, providing that any such negro who remained therein ten days should be fined fifty dollars, and in case of inability to pay the fine should be sold to any person who would pay the costs of the trial. The State constitution of 1848 directed the General Assembly "to pass such laws as will effectually prohibit free persons of color from emigrating to or settling in this State, and to prevent the owners of slaves from bring-

ing them into the State for the purpose of setting them free." The air north of the Ohio was too pure—for slaves? No—for free negroes—to breathe.

In those days, where was the citizen of Illinois so renowned for the wish to put slavery "in the course of ultimate extinction?" Where the thunders against the Black Code of Illinois? Herndon says: "The sentiment of the majority of Springfield tended in the opposite direction, and, thus environed, Lincoln lay down like a sleeping lion!" The lion heart, the *cœur de lion* of romance, is not one of profound slumber when danger is abroad, but of fearless onset on the foe against whatever odds. Surely there must have been as much "environment" for Jefferson. The hero is brave in his own environment, not in some other man's far-off environment. Whether girt by friend or foes, the flame that warms his heart burns on his lip. He sees in the evil that is nearest the duty that is nearest. Here was the bill of attainder of a race. Who rose in Congress to call for an investigation? Who grew hysterical over that? "The misery before their eyes," said Randolph; "they cannot see—their philanthropy acts only at a distance."\*

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\*In the debate on the abolition of slavery in the District of Columbia, it had been moved as an amendment, that the liberated slaves should be distributed among the free States of the North—*pro rata*—according to the population of each. As to this, on the 19th of March, 1862, Mr. Doolittle said, in the United States Senate: "I can give you a case directly in point. A very distinguished gentleman was elected to Congress; I believe about 1843. One of the well-to-do farmers in his neighborhood called upon him, the evening before he was to leave for Washington, to pay his respects. He found him in his office, and told him he had called for that purpose, and to bid him good-bye. 'And now, judge,' said he, 'when you get to Washington I want to have you take hold of this negro business and dispose of it in some way or other; have slavery abolished, and be done with it.' 'Well,' said the judge, 'as the people who own these slaves, or claim to own them, have paid money for them, and hold them as property under their State laws, would it not be just, if we abolish slavery, that some provision should be made to make them compensation?' He hesitated, thought earnestly for a while, and in serious tone replied: 'Yes, I think that would be just, and I will stand my share of the taxes.' 'But,' said the judge, 'there is one other question; when the negroes are emancipated, what shall be done with them? They are a poor people; they will have nothing; there must be some place for them to live. Do you think it would be any more than fair for us to take our share of them?' 'Well, what would be our share in the town of Woodstock?' he inquired. The judge replied, 'There are

In the Taylor and Cass campaign of 1848, Lincoln spoke in Boston. Herndon says: "Referring to the anti-slavery men, he said they were better treated in Massachusetts than in the West, and, turning to William S. Lincoln of Worcester, who had lived in Illinois, he remarked, that 'in that State they had recently killed one of them.' This allusion to Lovejoy's murder at Alton was thought by the Free Soilers to be heartless, and it was noted that Mr. Lincoln did not repeat it in other speeches." Had some Southern man in Boston made the same speech it would have been cited, as an instance of the "barbarism of slavery." As the case, in point of fact, stands, perhaps "expressive silence" may be becoming.

The press and pulpits of the North have joined to denounce Chief Justice Taney for deciding (as alleged) at December term, 1856, that "the negro had no rights which a white man was bound to respect." It is the kind of candor one would evince who should claim "the Bible says, 'there is no God'"; because the Bible does say, "The fool hath said in his heart there is no God." What Taney did say was that at the time of the Declaration of Independence and when the Constitution was adopted, such was the case. He followed this by illustrations, demonstrations rather, from the laws of New England and other States, and it may be the demonstrations were irritations. What made them peculiarly offensive was the impossibility of refutations. The dictum of Taney was incontrovertibly true. This incorruptible jurist, "in early life manumitted all the slaves he inherited from his father. The old ones he supported by

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about 2,500 people in Woodstock; and if you take the census, you will find that there will be about one for every six white persons; so that here in Woodstock, our share would be about 500.' 'What!' said he, 'five hundred negroes in Woodstock! Judge, I called to pay my respects, I bid you good evening'; and he started for the door, and mounted his horse. As he was about to leave, he turned round and said, 'Judge, I guess you need not do anything more about the negro on my account.' (Laughter.) Mr. President, perhaps I am not going too far when I say that honorable gentleman sits before me now (Mr. Collamer)." Mr. Collamer: "As the gentleman has called me out, I may be allowed to say, that the inhabitants of the town were about three thousand, and the proportion was about one to six." What an exalted conscience should be attributed to them, who, with delirious imprecation upon all who might demur, made peremptory demand for an acknowledgment of a freedom and equality for the 4,000,000 negroes at the South, which the demandant so frankly, even fiercely, shouted to the four winds would be intolerable for themselves?

monthly allowances of money till they died." He differed by the distance which puts the poles asunder from them whose absorbing passion is to emancipate something which belongs to others; differed *toto coelo* from the philanthropy—feted, crowned, exultant—whose most conspicuous trait is omnipresence of self. He is in the roll of those great judges who have discharged the grandest of human duties: first with intrepid vision to ascertain the truth; then, with a moral courage that knows no danger to fearlessly announce it. For the supreme cause of justice he was not afraid nor ashamed to live and to die poor: "The worthiest kings have ever loved least state." But could he appear once more on this earth, and could the old tests of elevation of mind and manners, purity of life, conviction and the courage of conviction, be again invoked, then of all his defamers there could not be found one worthy to so much as stoop down to unloose the latchet of his shoe.

In 1846 the economic battle had been won so completely that in 1857 tariff burdens were still further reduced; Massachusetts voting with Virginia to this end. The leaders of both parties then joined in enacting the lowest revenue tariff which had been known since 1820. Dogma was put to rout by the event. The fallacy of hostile views was transfixed by the result. The retort to the prophecy of evil was the superlative satire of fact. Experience had been the Great Expounder. From the end of the war with Mexico to the beginning of the war between the States, had it not been for the war waged by one-half of the States upon the domestic institutions of the other, the Union would have been in the happy state of having no annals; no financial, no economic issue; no broil with foreign parts; no anarchy at home. There is no pillow of rest for freedom.

In the decade between 1840 and 1850 the warder on the watch tower had been the great son: I had almost said the great soul, of South Carolina. In blistering speech, Calhoun had defined the bond which held the gathering host of pillage. He called it "the cohesive power of public plunder." The spoils system, he said, "must ultimately convert the whole body of office-holders into corrupt sycophants and supple instruments of power"; and, again, "let us not deceive ourselves—the very essence of free government consists in considering public offices as public trusts." With what subtle analysis, ground fine in debate, he stripped naked the sophistries of senates: with what "iron worded proof" he chained truth to truth. The high, the brave, the incorruptible, must make enemies;

and the higher, the braver, the firmer, and more discerning the sense of duty, the more implacable the enmity. He, too, is entitled to be "loved for the enemies he made." The man whom corruption is powerless to corrupt shall he not be hateful to corruption? His moral force had matched itself, not in vain against the "corrupt squadron." The event which changed his hope into despair was the war with Mexico. He saw in the victory of war the direst menace to the victory of peace; in the midst of vociferation for the "rights of man," he saw the rights of States undone; an impracticable freedom made the pretext for the destruction of a possible and extant one. "Every senator," he said, "knows that I was opposed to that war, but no one knows but myself the depth of that opposition. With my conception of its character and consequences, it was impossible for me to vote for it." The smoke is rolling away from the senate chamber scene where this tall, vivid form, meet tabernacle of prophetic fire, towered in power and in purity. The smoke is rolling away. But the grandeur which gave battle there, unconquered then, unconquerable now—cannot be rolled away.

The crisis came with the victory. The more demonstration of the true general welfare the greater the storm which would overturn proof by force. As the fated bark glided on the smooth wave of success, louder and louder grew the roar of a cataract toward whose rage the irresistible torrent of the time was sweeping. All that had been won would be dashed to pieces in this fury. Who are they to-day whose breasts so quake with terror at the thought of competition with the foreigner? Those into whose lap the fruit will fall be excluding competition; the same who underbid Europe for the delivery of steel products in South Africa; for viaducts joining Burma to South China; rails for the holy railway from Beirut to Medina; for industrial triumphs in the antipodes. These lusty exporters, with tears in their eyes, demand that their fellow citizens be restrained from dealing with the "man of sin" abroad, with whom they themselves so lucratively deal. The foreigner receives preferential treatment under a tariff for the protection of the native. After enactment of laws called "patriotic" to protect native toil against the "pauper labor" of Europe, there is then brought in ship load after ship load of the aforesaid "pauper labor" to do the work which, with such timely forethought, had been protected from such labor. It is a benevolence which, on the plea of raising wages, raises the price of all things bought with wages.

Ah! those happy isles of the "protected" in the midst of a sea of troubles (growing year by year more troublesome): at this time breaking in wrathful agonies upon all the coasts of power!

Special privileges to a few, for the sake of the poor! Is not that like feeding the ravens for the sake of the doves? The man whose name is the synonym for treachery was much bent upon converting ointment into cash for the sake of the poor: "not because he cared for the poor, but because he was a thief, and had the bag, and bore what was put therein." Samuel Johnson had no such thorough paced sympathy with the doctrine, "Taxation no Tyranny," as have the citizens of Commonwealths which, in Johnson's day, rose in arms against the doctrine. But when was taxation ever tyranny to the tyrant? Importunate is the rush of patriots to clamor for the increase, to inveigh against the decrease of public burdens. "Can you expect us to live," they cry, "if the load is lifted?" Never did Roman Procurator more savagely protest against being curtailed of his spoil. Does this patronized pursuit of happiness for the sake of the patrons proceed from love of others or from the love of self—cruel as the grave? What is the Standard Oil monopoly against which is hurled such malediction? Simply a thoroughly perfected method to exterminate competition. A liberty of the strong against the weak wild beasts have that. Because they can rise no higher they are wild beasts. Predatory wealth has been built up by predatory laws.

With a simple dignity betitting senates, on the 11th of January, 1861, Mr. R. M. T. Hunter, of Virginia, spoke as follows: "I have often heard Mr. Calhoun say that most of the conflicts in every government would be found at last to result in the contests between two parties, which he denominated the tax consuming and the tax paying parties. The tax consuming party, he said, was that which fed upon the revenues of the government, the spoils of office, the benefits of unequal class legislation. The tax paying party was that which made the contributions to the government by which it was supported; and expected nothing in return but the general benefits of its protection and legislation. And he said, and said wisely, in my opinion, that whenever the tax consuming party, as he called it, got possession of the government, the people must decay and the government must either go to pieces or assume another and different form.

"Now, sir, I say that the working of our present executive system

is such as to produce a party of that description in the country, and give it the power of ruling our affairs."

The danger signal was that the bond or union for the tax-consuming party was geographical. The dominion of the North would move on with the invariable sequence of the processes of nature. The natural result would be a government of the South by the North and for the North; a government under which the South would have no rights which the North would be bound to respect.

Richard Henry Lee, in October, 1787, wrote to Edmund Randolph, "The representatives of the seven Northern States, as they have a majority, can by law create a most oppressive monopoly upon the five Southern States, whose circumstances and productions are essentially different; although not a single man of these voters is representative of, or amenable to, the people of the Southern States. Can such a set of men be, with the least semblance of truth, called representatives of those they make laws for?" George Mason said: "A majority of interests will oppress the minority" and refused to vote for the Constitution in Federal or State convention.

The distinguished gentleman, late secretary of war, more lately still a successful candidate for the highest Federal office, in a speech at Kansas City some years ago, described the attitude of protectionists toward Philippine products, as "the quintessence of selfishness." Class legislation, in general, may be so defined. But it is so, most abhorrently, when it operates to rally section against section, by making burden to one bounty to the other. Better way could not be devised for breeding a ruling class to which honest conditions must be intolerable. The same distinguished gentleman, in an address, delivered last July, at the Courthouse in Bath county, described the opposite of free government. Abroad, he said, people saw in government "an entity different from themselves; in a sense antagonistic to themselves." When people feel that their government is their own, one for which they are responsible, that the administration of justice represents their own conviction of what is just; so long, said the speaker, "we can count on a continuance of free government." But why go abroad for the object lesson which on such continental scale, has been seen at home? The Republican party, said Wendall Phillips, "is a party of the North pledged against the South."

In 1856, Rufus Choate, in contemplation of a government thus acquired by the North, wrote: "I turn my eyes from the conse-

quences. To the fifteen States of the South that government will appear an alien government. It will appear worse. It will appear a hostile government." Was the government organized in 1861 "responsive to the will of the people," or responsive to the will of a North "pledged against the South?" Was it unnatural for them against whom it was "pledged" to see in it "an entity different from themselves; in a sense antagonistic to themselves"; and to feel they could not "count on a continuance of free government" if this became supreme? It was as if the word went forth, "That which moral force has wrung from us, by material force shall be reversed; persuasion having failed to win your voluntary vote, we must needs have corruption by coercion." The policy to procure this result had been championed as that of "a higher law than the Constitution." A far higher law, coeval with man's aspiration to be free; not at variance with the Constitution, but intended to be secured thereby; was the right of a free people to be free of alien rule.

As incident to the war of 1861, "and as a fit and necessary war measure," in September, 1862, was issued a paper which (with the sequel 100 days later) is called "proclamation of emancipation." By this in portions of the country called rebellious, slaves were made free, unless by the 1st of January, 1863, said communities ceased to rebel. Slave ownership was to be the reward of loyalty; slave abolition the penalty of rebellion. This might be translated: "negroes shall continue to be slaves to their masters if only their masters will be slaves to us. Let us have in peace the jobs which are in sight and your slaves may reap in peace your harvests, taxed only by our tariffs. We will let you have your slaves if you will let us have your freedom." After this offer had been made and rejected, who had a right to say that the South was fighting for slavery, or Lincoln for freedom?

As in the South construed, the motive was not to free the slave, but to enslave the free. The proclamation of September 22, 1862, states: "The executive government of the United States, including the military and naval authority thereof, will recognize the freedom of such persons and will do no act or acts to repress such persons or any of them in any efforts they may make for their actual freedom."

In October, 1863, Lord Brougham (an abolitionist *ab initio*), referring to this proclamation, said: "Hollow we may well call it, for those who proclaimed emancipation confess that it was a measure



of hostility to the whites and designed to produce slave insurrection from which the much enduring nature of the unhappy negro saved the country. My esteemed friend, the prelate, who exalts by his virtues the name of Wilberforce which he inherits, declared that the authors of the proclamation cared as little for the blacks' freedom as the whites'; and now they call for the extermination of one race to liberate the other."\*

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\*"Mr. Lincoln comes from Illinois—a State more purely and angrily free soil than any other—strongly anti-slavery—but at least as strongly anti-negro. All blacks, whether slave or free, are, we believe, by an act of the Legislature, excluded from that inhospitable district. \* \* \* As to the actual operation of the edict in the South, we ourselves believe that except in a few districts near towns or posts in the neighborhood of the Federal camps, it will prove a mere *brutum fulmen*; that the slaves dare not rise, do not wish to rise, do not hate their masters, and except for the sake of idleness, and on special occasions do not desire freedom. But this cannot have been Mr. Lincoln's conception. He must have believed that it would be the strongest and most effective measure of hostility which he could adopt towards the Confederate States; \* \* \* in a word, that it would rouse against the slaveholders a formidable force of domestic foes. He must have designed, one would suppose—if he had any definite design at all—and expected—if he had any distinct hopes of benefit from his decree—that his proclamation would rouse the black race against the white; would turn the arms of 4,000,000 of half barbarous Africans against their former masters; would at the very least, disorganize the entire social system in the South, and put a stop to the usual processes of industry and culture, and introduce a fearful state of anarchy and chaos. He must have *hoped* this; he must have been *prepared* for massacre, rapine and devastation. We confess that in our eyes few crimes can be greater than that, the guilt of which he has *possibly* incurred, voluntarily, and with his eyes open."—*North British Review*, November, 1862, pp. 262-265. Of an earlier proclamation Bancroft writes that to intimidate the Virginians, Dunmore announced he would declare freedom to the slaves. The historian adds: "The offer of freedom to the negroes came very oddly from the representatives of the nation which had sold them to their present masters, and of the king who had been displeased with Virginia for its desire to tolerate that inhuman traffic no longer."—*Bancroft's History*, Vol. VI, ch. iv, p. 146. In the discussion leading to the treaty of Ghent, John Quincy Adams demanded satisfaction for property in slaves, although (as understood at the time) Clay and Gallatin evinced a willingness to relinquish the claim. Accordingly, the first article of the treaty, providing for restoration of places taken by one country from the other, stipulated that this should be done "without any destruction or carrying away of any public prop-

The late Henry Ward Beecher, descanting on the advantages of education, once drew an illustration from the war between North and South. "Southern leaders," he remarked, "are accustomed to say, 'The North wore us out.'" He then added: "It is this lasting power which education gives." In 1864 Grant took comfort in the thought that at last (to use his words) "the cradle and the grave had been robbed" to sustain the unequal fight of a brave people for their native earth. For that pathos of heroism; for that death grapple in the dark, a whole world had only a breast of stone. The old patriarch, already, had sent his last son to the front, and now for lack of younger lives, nothing was left but to go himself, that, in the last rally, from his veins might flow the sacred wine which pours for country. Then in the brooding mind the thought arose, since the strength opposed must diminish with each blow struck, while a whole world's strength is ours, if now cataract after cataract in terrific force descend, no matter how often in bloody foamings to be hurled back, the rock of resistance piecemeal must crumble and melt in the corroding deluge. Such was the felicitous and bold design which bound the wreath of glory. The greatness of Grant, it has been said upon the platform, consisted in his firm faith, that unfailing numbers ultimately must wear out a foe, on anything like equal terms, unconquerable. To the moral force, which again and again hurls back preponderant numbers, there can be made no answer, save that of a brute force, which, by sheer attrition, shall wear out the attenuated body, on which this constancy is stayed. With what result? To make the unchallenged sceptre of brute force the final form of greatness; to make the fountain and well-head of the altruistical "new birth of freedom" the apotheosis of

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erty, or of slaves, or other private property." For alleged violation of what was here stipulated, the question of indemnity was referred to the Emperor of Russia. To Mr. Middleton, Minister at St. Petersburg, John Quincy Adams as Secretary of State, wrote in 1820: "The emancipation of the enemy's slaves is not among the acts of legitimate war; as relates to the owners, it is a destruction of private property nowhere warranted in the usages of war."

*The National Intelligencer* of April 20, 1863, quotes the *Boston Commonwealth* as follows: It (the proclamation) is "an edict which binds every slave we can bind, and frees every slave we cannot free." The writer was one of a delegation to visit the President, and states: The President asked "what would we do with the negroes if they should come to us?"

brute force—fit precursor of the fine brute majority, which in Senates crushes conscience.

When on one side the last man so easily could be, in point of fact, was drawn, and each gap in the ranks, as it was made, be filled only by closing up more closely; while the other, from the start, so easily was able to lose two and more for one; with a whole world in the rear from which to recruit each gap, the consequence derived by Beecher partakes of the *non sequitur*. When Xerxes wore out by "attrition" the Spartans at Thermopylae, was that the lasting power of education in the victor? Or was a higher education for the storm of life evinced by those valiant arms which again and again hurled back numerical ascendancy, and still hurling, while strength endured, fell finally where they fought? They who stand in the last ditch, to hold up the sinking standard of their faith, or fall with it; they who fall for their altars and their fires, can always send word to their country: "Here obedient to thy laws we fall." He who, in stout resistance to the odds against him, succumbs only to the last conqueror, has been schooled in the discipline and doctrine of life, is both hero and scholar. To conquer the difficult is the first command of education, and the second is like unto it—not to be dismayed by difficulty. Education is the strain of him who overcomes; or who, undaunted to the end, puts forth all that in him is to be not overcome. If fall he must, he falls unconquered. He has been faithful until death. If, as in the republic of which Plato dreamt, education is the growth out of selfishness into self-sacrifice, lack of education was not the serious deficiency.

By the endless attrition of endless numbers, and under the ever-tightening coil on coil of the anaconda stranglehold, the South was drawing to the end of her agonized strain; when Lincoln, in the Second Inaugural, likened by some to the prophecy of Isaiah—with, as he explained, "malice toward none, charity toward all"—suggested a possible prolongation of the war, "until all the wealth piled up by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn by the lash shall be paid by another drawn with the sword. As it was said three thousand years ago, so still it must be said: 'The judgments of the Lord are true, and righteous altogether.'" The epitome of Reconstruction was in these words. Mr. Labouchere said of an English statesman that he did not find fault with him for being found occasionally with an ace up his sleeve. What he did find

fault with was the claim that the acc had been put there by the Providence of God.

In 1862 as part of the work of a constitutional convention held at Springfield, Illinois, were the following sections of Article XVIII, of a proposed constitution: (1) No negro or mulatto shall migrate to or settle in this State after the adoption of this constitution. (2) No negro or mulatto shall have the right of suffrage or hold any office of this State. (3) The general assembly shall pass all laws necessary to carry into effect the provisions of this article.

In the convention the first was adopted by a vote of 59 to 7; the second by a vote of 42 to 18, and the last by a vote of 45 to 18. This article was submitted to a special vote of the people, each section was approved by a majority; the constitution itself was defeated by a majority of 16,051 votes; but the vote on Article XVIII was as follows: The first section was approved by a majority of 100,590 votes; the second by a majority of 176,291 votes, only 35,649 voting against it, and the final section was passed by a majority of 154,524 votes. Where was the lash for them who, under the Illinois act of 1853, reduced freedom to bondage, and by these provisions prohibited the negro all entrance into the State? The answer is obvious. What politics could reside in such intrusion? But did he who, in one decade, threw his mantle over the killing of Lovejoy, acquire in the next a right to corroborate his wrath by that of the Almighty? Nay, had he not been of counsel for a Kentucky master, seeking to recover fugitive slaves? If slavery was *malum per se*, how did that master's sin surpass his own? Lincoln's biographer, Mr. Joseph H. Barrett, is much comforted to have such good proof, "after all that has been said to the contrary, that he had no objection to a good client with a bad cause." What! Philanthropy could turn coat for a fee! No man has a right to be indifferent to the transgression going on around him. But the transgression which concerns him most nearly is his own. For indifference here, he does not quite compound by "bloody instructions" for the rest of mankind. Prophecy is relieved of much that were afflictive, when the prophets, instead of dwelling sadly on their own sins, confine their message to dwelling gratefully on the sins of others. They who were "of purer eyes than to behold iniquity," undoubtedly had no eyes for their own.\*

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\*History as taught to-day in school and pulpit poorly prepares the mind for the inconsistencies of altruism. By the Revised Statutes of

On June 1, 1862, Colonel (afterwards General) Thomas Kilby Smith, of the Union army, wrote home, of "the spacious lawns and parks, and cultivated grounds kept trim and neat" in Mississippi;

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Ohio, published in 1860, and in force August 1, 1860, it is, by an act passed April 2, 1859, provided, "That the judge or judges of any election held under the authority of any of the laws of this State, shall reject the vote of any person offering to vote at such election, and claiming to be a *white* male citizen of the United States, whenever it shall appear to such judge or judges that the person so offering to vote has a distinct and visible admixture of African blood." Further, a fine, not exceeding \$500, and imprisonment for not more than six months is the penalty for receiving the vote of any person who has a distinct and visible admixture of African blood.—1 Ohio Revised Statutes, Swan and Critchfield (1860), pp. 548, 549.

The constitution of Iowa, published in the General Statutes of 1860 (p. 990), has: Every *white* male citizen of the United States of the age of twenty-one years, etc., shall be entitled to vote.

The Revised Statutes of Wisconsin, published in 1878 (repeated in the annotated statutes published in 1889), under Article III of the constitution (p. 19), has this: "Every male person of the age of twenty-one years belonging to either of the following classes, who shall have resided, etc., shall be deemed a qualified elector:

(1) *White* citizens of the United States. (2) *White* persons of foreign birth who shall have declared their intention to become citizens, etc. (3) Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States. (4) Civilized persons of Indian descent, not members of any tribe; provided, that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated.

The constitution of Michigan, prefixed to the compilation by Thomas M. Cooley, under an act of the legislature, approved February 2, 1857, has Article VII, section 1, repeats in substance the foregoing (I Compiled Laws, p. 62); as does Article VII, section 1, of the Constitution of Minnesota, in Revision of Statutes, published in 1867.

1 Pardon's Digest of the Laws of Pennsylvania, published in 1862 (p. 375), prescribes: "No person shall be permitted to vote at any election, as aforesaid, other than a *white* freeman of the age of twenty-one years or more." The House of Representatives of Pennsylvania on Wednesday passed the bill to prevent the immigration into the State of negroes and mulattoes."—*National Intelligencer*, March 27, 1863.

In 1830, Benton, in the Senate, referred to the expulsion of a great body of free colored people, numbering, perhaps, 10,000, from the State of Ohio: "The Senator from Massachusetts (Mr. Webster) so copious and encomiastic upon the subject of Ohio, so full and affecting upon the topic of freedom, and the rights of freemen in that State, was incomprehensibly silent and fastidiously mute upon the question of this

of the slaves in the fields, "running to the fences to see us pass, and to chaff with the men." On July 11th he wrote: "A man here with 1,000 or 1,500 acres is a prince. His slaves fare better than our working farmers." In the moral judgment of time, will not freedom to work in Mississippi sustain a contrast with freedom to be an outcast north of the Ohio? One more word from this officer and gentleman, bearing date July 28th: "Seventeen hundred people have left Memphis within three days, rather than take the oath of allegiance. Leaving, they have sacrificed estate, wealth, luxury." War meant this for the South. Self was annihilated. The annihilation of self was in death grapple with the coronation of self-moral with material power.

In the fascinating autobiography of Augustus Hare is narrated; "Bayard mentioned a Southern lady, who, when the army of liberation approached, entrusted all her silver and jewels to her slaves, and they brought it back safely after the army had passed." In the

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wonderful expatriation." The Bill of Rights of Oregon (published by authority of an act approved February 25, 1901) prohibits the free negro or mulatto from coming within the State; from holding real estate, making contracts, or maintaining suit therein; and provides for the punishment of persons who shall bring such into the State, harbor or employ them.

On September 22, 1862, General T. W. Tuttle proposed to ship to Chicago for employment "contraband negroes." The Mayor of Chicago promptly replied: "Your proposition to send negroes to Chicago to work would be in violation of the laws of the State, and a great injustice to the laboring population. I cannot give my consent." The Common Council resolved, "That we Aldermen of the city of Chicago heartily approve of the action of our Mayor, relating to the proposal to send negroes to this city." (*National Intelligencer*, October 30, 1862.) A month later was published: "*Indictments* have been found in Jersey county court against Lieutenant-Colonel Milton S. Littlefield, Fourteenth Cavalry, and Adjutant William A. Scott, Fourteenth Illinois Infantry." Each brought home a servant from the war, and hence the indictment. (*Ibid.*, November 4, 1862.)

The slave was welcomed for the sake of hurt to the master, not from love for the slave. Mr. William Chauncey Fowler (*Sectional Controversy*, p. 205), repeats a statement of Governor Chase to W. D. Chadwick Glover (December 27, 1859): "I do not wish to have the slave emancipated because I love him, but because I hate his master." Here, from a high source, is the working theory. A "new birth of freedom," thus inspired might be expected to point less directly to reformation than revenge.

trial fire of war the negro said: "I obey where I revere." Could consent of the governed be more authentically certified? Under similar conditions would philanthropy in the Philippines receive a vote of confidence like this?

Dr. A. B. Mayo, of Massachusetts, in the report of the bureau of education (1900-1901), writes: "Here in contact with a superior class, through a period of more than 200 years, this people underwent the most rapid and effectual transition from the depths of pagan barbarism to the threshold of a Christian civilization on record in the annals of mankind. The 250 years of slavery had, indeed, been in itself a great university and the history of the world may be challenged to present a spectacle so remarkable." The world's great awkward squad demanded the drill master's autocracy. Southern slavery was the reform school of the negro.

One who would make assurance doubly sure should give heed to the following from the *New York Nation*, of March 25, 1869: "We may well call attention of the philanthropist and Christian to Dr. Draper's estimate of the religious status of the Southern slave at the beginning of the war. He declares that, 'through the benevolent influence of the white women of the South, and not through the ecclesiastical agency was the Christianization of the African race accomplished; a conversion which was neither superficial nor nominal, but universal and complete; and the annals of modern history offer no parallel success.'" The paragraph divulges what might be termed the summum bonum of missionary achievement; a higher race sharing with a lower the moral ideas which give eminence to the higher. This can receive no lesser name than the hallowed name of an evangel. All other sources of enlightened conscience, of self-respecting growth, of conversion to higher standards are futilities in comparison. The fittest to survive used their higher power, not to destroy the unfit, but to make the less fit more fit. No "sounding brass" resounded for these unobtrusive women. Self contemplation would seem to have been absent; only the religious truth of duty present. They asked none to read their gentle manners in the mirror of their Christian works; wrote no articles in magazines, besought not others to do so—to tell mankind how true, how beautiful, how good they were. Save in the sentence quoted, they have received no mention; a not uncommon incident of the benevolence which is for the sake of helping others and not for the means of promoting self. They in their modesty

illumine the text, which, though Jacobinical, is fine: "Perish our memory rather than our country." "Not unto us, not unto us," they said. As if they caught the purity of the sky to which their hearts were lifted, they 'shed abroad a Saviour's love,' among the humble folk in whose dark plight (as from old England and New England they had been received) the ministries of these unrecorded women were as stars. The chastened sanctity of their toil rises before us as a beatitude of the discipline and duty of life. They are in the number of those great teachers who transfigure into beauty the inmost force and feeling of high calling, and by so doing, lift toward their likeness the ignorant and stumbling. Purified love of the highest shone in purified piety to the lowest. The slave had been civilized by Christianity, even if spared the curriculum of post-graduate courses and æsthetical belles lettres. Never was a great trust so greatly discharged.

By old England and by New England a trusteeship for the inveterate savage had been imposed. The authority of white over black was a spiritual supremacy. A higher social consciousness had reclaimed the negro from a savage sociology; out of dark chaos had educed something of moral symmetry. The negro had been trained in the school of discipline. What is civilized man, as he exists to-day, but the pupil of all the adverse strokes of time? The negro felt himself subject to higher powers, to a government which was in sympathy with the governed. With what measure of sympathy it was meted out, with that measure it was meted back by the slave in the stress of war. It was a high, not a low, ideal of supremacy which was loved, honored and obeyed. The sincerity of a common cause had been wrought into the heart and habit of a race. Not quite two years ago, hard by the plantations once owned by Patrick Henry and John Randolph, I could have pointed you to the home of one, whose former slaves, with a reverence not assumed, but real, still addressed as "Mistis" the venerable lady of the manor, who, like another queen, might have celebrated her reign of three score years over a loyalty which had never wavered, never faltered. A higher force had so far counteracted the lower as to convert the lower into sympathy with the higher. How does the higher accomplish this? By taking merit from the lower? No; but by imparting merit to the lower. The higher is such, not by what is taken, but by what is given. The slaves had been taught in the school and out of the book of good example. They were pupils of



the "old masters." From them the slave had acquired that which is the secret of all growth: the trait of truly perceiving and then of truly revering a higher than himself. They had been taught the military lesson of well-disciplined duty; and taught so well that, when the master was fighting in the field, fidelity to discipline, devotion to duty, were unabated. Mrs. Alice Morse Earle, herself a descendant of the pilgrims, writing of Boston at a time when this humane city was still a slave mart, says: "Negro children were advertised to be sold *by the pound* as other merchandise," citing proof. "We have," she adds, "a few records of worthy black servants who remind us of the faithful black house servants of old Southern families." "These are the men," said Wilson, of Massachusetts, of the freedmen after the war, "who have been elevated from chattelhood to manhood." Yes, but it was Massachusetts which sold them into chattelhood "*by the pound*." Virginia and her Southern sisters had elevated them to what Wilson esteemed "manhood." Not by Wilson, nor by them for whom he spoke, had the blind received sight. "Property in man," you say. Well, at least it was property impressed with a trust; a trust which the vendor would not perform, but which the vendee did perform so admirably as to raise "chattelhood" to manhood. The social problem is to make authority that of real highest over real lowest. To this the name of slavery may be given. The reality of slavery is government of the highest by the lowest. This was forced upon the South in the name of liberty. Of all the crimes committed in that name none surpass this. It said to the slave: "Be free"; to the free: "Be slave." The philanthropy which emancipates to corrupt imposes a far more deadly yoke than the one it assumes to break. The dogma that all men are born, or are by nature, "free and independent," may call for some revision; seeing that man is born, or is by nature, the most dependent of all the animals on earth; and rises to some intuition of freedom, if at all, only through the stern tuition of necessity.

In the quiver of doom there remained undrawn one arrow which none doubted would go straight to the mark. On the 29th of September, 1865, Oliver P. Morton said at Richmond, Indiana: "Can you conceive that a body of men, white or black, who, as well as their ancestors have been in this condition (i. e., slavery) are qualified to be lifted immediately from their present state into the full exercise of political power? \* \* \* To say that such men, just emerging from this slavery, are qualified for the exercise of political

powers, is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery. \* \* \* We not only exclude them from voting, we exclude them from our public schools," (what a pulpit from which to anathematize the South for not providing the negro with academies!) "and make it unlawful and criminal for them to come into the State. No negro who has come into Indiana since 1850 can make a valid contract. He cannot acquire title to a piece of land, because the law makes the deed void; and every man who gives him employment is liable to prosecution and fine. \* \* \* With what face can Indiana go to Congress and insist upon giving the right of suffrage to negroes in the South?" With what face! O, Heavens, with what preternatural face! The face was equal to the fate, with the face of Morton in the lead. "The highest compliment, to the institution of slavery" was offered; "the strongest pro-slavery argument ever heard" by Morton, was made by Morton. \* \* \* "If you do this," he continued, "these States will remain permanently colored States. The white men who are now there will move away. They will not remain under such a dominion. In such case the colored States will be a balance of power in this country. \* \* \* Finally, they will bring about a war of races."

What has been the upshot of free government in Haiti? A cutlass in the hand of a babe. Within the past few years Mr. Charles Francis Adams has made known what was for himself "a reflex light from Africa." In the negro's native continent, he says, "the scales fell from my eyes." Filipino students take first prizes at our law schools, but for the present, with due precaution for human rights, "benevolent assimilation" can see no way to bestow the boon of self-government upon them. What, then, was the bestowal of the boon on the black race of the South? Was that malevolent assimilation? One may not immodestly suggest there is a difference between crossing the ocean to govern dusky Orientals without their consent, and declining to be governed without our consent by black men at home. To the South was said: "It shall be your glory to make a pathway over the impassable." This which, in time of peace, the "free States" of the North with such contumelious scorn had rejected for themselves—this, the South, when worn by "attrition to the bone," like Prussia after the

battle of Jena, "a bleeding and lacerated mass," was blithely called on to perform.\*

How are we to explain votes for this enfranchisement on the part of States which, so long as their own interests only were involved so unreservedly had voted otherwise? It was a change sudden as that which, on the road to Damascus, changed Saul into Paul. The fabulist Aesop—whose sententious wisdom outweighs whole "volumes vast," called history, just because the so-called fable condenses into single instances the experience of all, so as to be co-operant with all—tells of two men, let us call them A and B, to whom Jupiter agreed to grant whatever wish they might prefer, on the following terms: A was to have first wish, and whatever A received was to be doubled to B. A promptly wished for the loss of one eye. "Are our slaves," wrote Jefferson to John Adams, "to be presented with freedom and a dagger?" The so-called freedom had been bestowed and the dagger had not been drawn.

D. H. Chamberlain, once Reconstruction governor of South Carolina, could speak with authority. "Under all the avowed motives for this policy," he wrote (in the *Atlantic Monthly* of April 1901), "lay a deeper cause than all others, the will and determination to secure party ascendancy and control at the South and in the nation by the negro vote. \* \* \* Eyes were never blinder to facts; minds never more ruthlessly set upon a policy, than were Stevens and Morton on putting the white South under the heel of the black South. \* \* \* To this tide of folly and worse, President Grant persistently yielded. \* \* \* Those who sat in the seats, nominally of justice, made traffic of their judicial powers. \* \* \* No branch of the public service escaped the pollution." "No property in man!" No; but justice is the stuff laid on the bargain counter; justice is bought and sold; the soul of the State made vendible and venal. The president who made Underwood a Federal judge did not carry love of justice to a fanatical extreme. In more sapient fanaticisms the broad way and the open gate of politics was signified. Is not justice a human right? It is the one inalienable right of man. The great abolition was the abolition of justice. To put "the white South under the heel of the black

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\*When Sumner gave as his programme, "Universal suffrage and universal amnesty," a not forced translation would have been, "Let us give amnesty in name to the white men of the South, the reality whereof will be their subjection to the black men of the South."

South!" Nothing devised by Weiler in his worst estate; nor by Alva; nor by Attila, promised such hideous doom, as the calculated cruelty of the design to make the black man in the South the white man's master.

"Have we," inquired Gen. Frank Blair in the Senate of the United States on February 5, 1871, "a federal union of free States?" "We have not," he answered. "The senator (Morton) has gone somewhat into the history of the fifteenth amendment, the rightful adoption of which is controverted by his State in the concurrent resolutions passed by the legislature of Indiana." \* \* \* In Kansas, in the election preceding, negro suffrage had been defeated by fifteen thousand majority. In the State of Ohio the majority against negro suffrage was fifty thousand. \* \* \* In the State of Michigan the people refused to give suffrage to the negroes by a majority of thirty-four thousand. \* \* \* The senator from Indiana well says 'it is a political necessity to his party at this crisis.' Again on February 20th he asked, "What sort of power have they built up in the South by purifying the ballot down there?" "You have put in power throughout that Southern country a class of men who have made plunder their business and sole pursuit. Your re-constructed State governments are organized conspiracies against the lives, liberties and property of the people." So spoke this Union soldier, who, in Missouri, was outspoken in opposition to slavery at a time when Lincoln deemed it impolitic to be explicit in Illinois. "An indestructible Union composed of indestructible States!" But how can States which a President and Congress can overthrow and reconstruct when and as they please, be "indestructible?" Might not the phrase be paraphrased—"an indestructible Union composed of States whose rights have been destroyed that the Union for the preservation of those rights might be perpetuated!" A consummation not unlike the forethought of the Irish agent, who, to build a wall of defence for the landlord's castle, pulled down the castle to provide stones for the wall. In order to secure the black man's rights the white man's must be taken from him. Was the negro, as Jefferson surmised, simply a flail in the hands of enemies of a republic to accomplish results which otherwise were foiled? Was slavery the flail wherewith to beat down freedom? Was the real problem to put freedom "in course of ultimate extinction?"

"Finally," Morton had prophesied, "they will bring about a war

of races." At a much earlier day Joshua Giddings is reported to have said: "I look forward to the day when I shall see a servile insurrection at the South, when the black man supplied with British bayonets and commanded by British officers, shall wage a war of extermination against the white—when the master shall see his dwelling in flames and his hearth polluted; and though I may not mock at their calamity and laugh when their fear cometh, yet I shall hail it, as the dawn of a political millenium."\* A millenium of polluted hearths! In the dark history of hate is there a match for that?

Dark and dark of purpose was the ship which was freighted to rebuild the South. All the criminology which Beelzebub and his ardent princes could hoist aboard now weighed anchor to feast on the fair soul of a gallant race. Like the beasts, not so long ago, unloosed on the Phoenix Line steamship *St. Andrew*, were the ravenous now uncaged. The decks resounded. Every plank quivered. So came Reconstruction. It satisfied Gladstone's definition of the Bourbon rule in Naples—"the negation of God, erected into a system." It was the essential atheism involved in the disbelief and disdain of a moral government of the world. It was a "higher law" whereby the higher duties were insulted; whereby duty was made the ignoblest word in the language. It was "moral ideas" without a fig leaf. As Poins said to Prince Hal, "The thieves had bound the honest men." It was anarchy tempered by piratical precautions. The one adequate image of it is that shape of horror which has become a paragraph in each day's paper. It was the rape of the highest by the lowest. To Virginia went forth a command, not unlike that of St. Remigius at the baptism of Clovis: "Burn that thou hast adored, adore that thou hast burned." There was a past as well as present to be rifled. Every natural sentiment operated to confirm the affection of the former master for the former slave, who, by his unabated reverence in the hour of trial, had refuted the accusations urged to justify ruin. The problem was to extinguish this kind feeling; to create antipathy in place of sympathy between the races; to mass race against race; to teach the negro to exchange all the higher qualities of a lower race for the lowest qualities of a higher race, that the tutors might walk over the course to offices of profit. The architects of this ruin, in their own behalf,

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\*"Cause of the War," by S. D. Carpenter, page 63.

lifted up the sacred refrain, "Forasmuch as ye have done it unto the least of these!" And what is it ye have done "unto the least of these?" Made them part and parcel of the most predaceous, predatory gang world ever saw. In the zeal to make odious what was called "treason," what was really brigandage was made honorable. "Let us have peace" was the name: Reconstruction the reality. The message was: Weakness has no rights which power is bound to respect. It was the appeal to all that was low to put an end to all that was high. Reconstruction enacted, one might say consecrated, "the sum of all villainies," made so by a coalition of all the villains. A great war had been waged—it was said—"for the integrity of the nation"—and this was the integrity—the integrity of scallawags and carpet baggers!

What men and women, bound together by a sacrament of blood and sorrow, then bore, has been hidden out of sight. The majesty of a broken life, which yet was master of the breaking pain, drew up in moral squares of battle. If force abounded, faith more abounded. There could be no better proof of the moral sceptre of the South than the fact that it has held such sway in the heart of the Southern woman. She has built the monument to Hector, though as yet none to Andromache. A force of grandeur dared to "turn the battle to the gate." It must have been the feeling of this which caused Mr. Robert Y. Conrad to say of his stricken Commonwealth, with a son's emotion: "She is lovelier in her weeds and woe than in her queenliest days." Yes, lovelier, with that divine face of sorrows, whose halo comes from suffering for the sins of others—without sin.

For them who stood beneath what seemed the blows of an almighty malice a voice out of thick darkness said, or seemed to say: "Flung as you are, by iron-hearted fate, into the vortex of this foulness, by beating back the baseness of the torrent which so blackly beats upon you, you may put on a finer strength. Every truth by which life is lifted stands as the met-wand of the struggle, the sorrow, the constancy demanded for it. You must be true to it before it becomes a truth for you; becomes your own. Supremacy which endures is fruit of struggle with agonies which wrestle against it. There is no alternative in this world, between the steady fight for higher things and the steady rot into lower. You who at Chancellorsville rolled in rout across the Rappahannock, like a scroll when it is rolled together, odds against you more than two to one, now, in this moral battle are welcomed to a victory of equal lustre.

To "the quintessence of selfishness" oppose, as your great captain did, the quintessence of heroism. A greater than your enemies has planted injustice like the sands of the sea around you that you may triumph over it. In your passion read the prophecy of your resurrection. In the crux of trial to be unconquered by the pang is to conquer. This is the image of the Divine. The heavens have decreed you worthy of it. Make of your humiliation a "meritorious cross and passion." Endure it, "despising the shame."

Out of the injury of wounds whose marks he cherished as armorial bearings; out of wounds and prison, Payne returned to stand with worn strength and torn heart against more bitter battle. As he had fought bravely he as deeply mourned the cause which had gone down. The warrior scars upon him, the warrior soul within him, commissioned him to lead. He had returned to see the natural enemies of government in control of government. There loomed before him, and others in like case with him, the figure of a wrathful Nemesis, commissioned to smite hip and thigh the tradition of the past, and bury it face downward. A mother State, chastened by the sanctity of sorrow, held out her hand. There could be but one course for Payne. The word tergiversation was not in his lexicon. Apostacy was not his long suit. With a stern repression of that which admitted not of suppression; with a kind of mail-clad resolution; with an intrepid calm, through which one almost saw the gauntleted hand still resting on the sword hilt, he took his place in the conflict, where all that was lofty was at stake. He had the faith of courage, the courage of faith. Faith without courage is dead. As a working theory, faith might be defined as fidelity to the law of our being. As is the depth of this faith, so is the sense of responsibility to acquit ourselves to it. So is the sense of remorse for dereliction from it. To maintain moral independence was now very nearly the whole duty of man. To influence others, Payne had what in his day had not ceased to be the winning forces of courage, courtesy and rectitude. In his own Northern Neck he was seen and heard, with cheering word, with manly hope, with conviction, with resolve. His State lay beneath the heel of corruption, more deadly than any of which George III. had cognizance. Her proud *sic semper*, for him as the vow of his sponsors in baptism, claimed from him never a more supreme allegiance than when the figures on her shield had been reversed. When her misfortune was supreme his allegiance was supreme. Her proud honor had

stood the Ehrenbreitstein of heroic hope. Might not that still stand—the lofty, battle-seared rock—to which hope might cling, when all around was falling? In later years it was said of him, “he lives in the past, out of place in this hustling scene, as Cato’s republic in the dregs of Romulus.” It may be there has come upon the stage a generation which feels competent to look down upon all that is here commended. Be it so. Yet just because his own foothold was so firmly planted in that past, with the greater firmness he looked through the bitterness of his own time to the resurrection of a better time. Fight on, brave heart; out of the dust and darkness of the well-fought field emerge, at last, the stars of heaven. The book of chivalry once more lay wide open; once more the altar rose. In the wreck of hope he dared to hope.

In the life of her husband, Mrs. Jefferson Davis tells us his construction of his stewardship was very strict. His office had for him no perquisites. When she once sent a package by his messenger he said to her: “Patrick’s services are for the War Department; the horse and wagon are for government use. Employ another servant if your own are not adequate to your use.” So once the trust for liberty was held. To-day we come across it as a quaint relic dug up from the Old Curiosity Shop of the past. It discloses a discrepancy between post and antebellum, which, in Carlylian phrase, is “significant of much.”

The hour had struck for the abasement of the like of this. In this forlorn extremity, beautiful once more was the hero’s scorn of self; once more holding the hearts of followers by the spell of that beauty. As in camp the general sought to fare no better than his men, so it was in the ravages of peace. To Hampton, in his need, South Carolina offered the gift of a home. Great as was the need of him who had sacrificed wealth and home, the offer was declined. The people of Texas contributed a purse to enable Magruder to buy a plantation. The knightly answer came: “No, gentlemen, when I espoused the cause of the South, I embraced poverty and willingly accepted it.” The trustees of Washington and Lee offered to their President a deed to the house he occupied. With appreciation it was declined. It was offered to his wife and again declined. To his son and successor, for the third time, it was offered. With renewed appreciation for the third time it was declined. This was that old South, on the final passing of which we are from time to time felicitated. Answer might be made, “In



that old South, power was sought for the eminence of which it was the witness; for the sincere 'honor, love, obedience' which followed; and no longer follows. When power is sought because it puts money in the purse, it ceases to be a spiritual power. It becomes that for which it is sought, pursued, possessed—material power. That old South left record proof (nobler than proof of mail), that greatness is in the world not to get for nothing, but to give for nothing; that the sign manual of heroic love—the seal wherewith it is sealed—is sacrifice. Because of this spiritual source of power that old South knew how to follow truth and suffer for it. Because thereof, though forty years and more look back upon it, our hearts invincibly are held.”\*

Consistently was Lee outlawed, all for which he stood was outlawed. Consistently did the beloved disciple of “moral ideas” consign Lee to “the avenging pen of history.” Between him and the character of Lee exists the irrepressible conflict which has been since the world began. History shall avenge. The God of history will avenge. “It is history which teaches us to hope.”

This is the meed of greatness—falling overborne by numbers—to fall without loss of greatness; to be glorious in ruin; nay, to be glorified by ruin; because the greatness is deserved, the ruin undeserved. Robert Lee had shown the futility of a whole hostile world against that armor of proof called character. The enmities which

\**The Washington Star* of January 26, 1907, publishes: “The Senate of North Carolina received to-day a letter from Mrs. ‘Stonewall’ Jackson declining to accept a pension of \$100 a month, provided under a resolution introduced a few days ago.” The ground of Mrs. Jackson’s action was that her needs were not such as to justify her in accepting what was proposed. It is added: “Mrs. Jackson suggests that the money proposed in her behalf be appropriated to the relief of destitute widows of Confederate veterans. In accordance with the desire of Mrs. Jackson, the bill calling for the pension was withdrawn from the calendar.”

The statement respecting Hampton should be modified. In 1899 a movement was started to rebuild, by public contributions, his house, shortly before destroyed by fire. Hearing of this, Hampton wrote: “I cannot accept from my friends a testimonial of regard, such as they propose; but the affection shown by them in wishing to reimburse me for my loss can never be forgotten.” Mr. Edward L. Wells states: “It is a pleasure to say, however, that the project was carried out. \* \* \* In the residence thus provided he commenced his last sleep.” Hampton died April 11, 1901. (Hampton and Reconstruction, pp. 219-224.) This work had not been seen at the time the above address was delivered.

would if they could humiliate become the apparel of a finer dignity. A whole world's force breaks in vain against this; crouches at last before this.

And now if his Commonwealth, and others in like adversity, approach this pattern, may they not also break misfortune by being unbroken? I hold up the constancy of Payne as that of one who in this battle "firm did stand"; along with others also firm. Once more he bore him as a knight; true to the tradition of his State; true to it in the beginning; true to it in the middle; true to it in the end. The moral battle now before him, and before others aligned with him, was a hand-to-hand conflict with the constabulary of Satan and his posse; a fight against the rulers of darkness of this world. Out of chaos was to be created a habitable world. Law secures freedom by imposing limits upon license. "Higher law" tore down those limits, so as to leave freedom no defense.

Beautiful is courage in response to duty. Sincere expression in word or work of a man's true spirit; his veritable essence fascinates. The condition of moral progress is moral courage. This moral force was the strength and charm of Payne. One felt that the physical man had been cast in a mould to match the intellectual and moral. None saw in him the false note of them whose thoughts are traitors to their tongues. In the grapple with evil at the bottom of the pit; in the duel in the dark between sincerity and semblance, calling every instant for that patience under strain which gives strength to the weakest, depth to the shallowest, his own profound conviction was his eloquent persuasion. All could see the purpose to put before other minds what was deepest in his own. The issue was—which is strongest, the contagion of baseness or the contagion of heroism? Beneath a quiet manner was felt his alert energy. The energy of worthy passions was his pathos. A force of heart and intellect spoke with a simplicity of sympathy and force which grasped hearts and intellects; spoke without dissimulation. Fealty to the highest that was in him was his faith. His enemies were the enemies of Virginia; his friends all who fought for her, wrought for her, suffered for her. The great heart of her past was for him a sacred heart, beating in him as his own. He had the reverence of the antique world for the lofty in deed and thought, the true in heart, the firm in will. This, indeed, was ingrained in him; part of the essential refinement of his nature; a spirit enveloping him

like a fine ether. For what so refines as reverence; what so refined? He was true soldier of the cause which pierced with wounds for us is pure and crowned with thorns for us is holy. His silver spurs, the gift of fair women to brave manhood, were torn from him as he lay insensible on the field of Williamsburg. Of the knight-hood they were intended to adorn he could not be despoiled. There might be applied to him words spoken of an English statesman by Argyle—"Firm as the rock, and clear as the crystal that adorns the rock."

He was no demagogue, nor did he bow to that material wealth, which is the mimic counterfeit of greatness. He had not "flattered its rank breath." Yet had he so willed, the highest honors in his Commonwealth were within his grasp. General Fitz Lee and Major John W. Daniel bore testimony to this. To a friend he wrote: "My aversion to public life is genuine, and, I confess I exult in the freedom of speaking, thinking and acting without one enslaved thought." In this subordination of self to the cause more dear than self, he makes us feel anew the force and charm of those grand old types which flash on us from the age of chivalry. Not for office, not for renown, still less for his own pocket, but for herself, he loved and served Virginia. By the side of this all the trumpets of renown were as naught. The dearness of a cause which defeat could not dethrone, he characteristically uttered in a letter advocating the election of General Hunton to the senate: "You know," he wrote, "he was picked up at Gettysburg, at what the Yankees call the 'high water mark,' and brought away from the field in a bloody blanket. I cannot get over these things myself. I would not make them a substitute for industry, energy, integrity and capacity; but where industry, energy, integrity and capacity exist, in my opinion, a good Confederate record glorifies the whole."

It is hard to be popular and pure; yet Payne was popular and he was pure. The fact survives for me as a memory and a monument; as a credible witness that the world, even the sordid, venal, rocking world of this time and land, still falls at the feet of him who will not swerve from calling and conviction, for a world. No man had warmer friends; no man was more deserving of them. Ingrained thoughtfulness of others, the natural courtesy of high breeding, was stamped upon him. He lived among us like an echo of the olden time. How true he was, how he tied to his heart the cause for which he fought, disdaining to desert the rent banner of his faith:

holding aloft to the last the glorified symbol of his heart's devotion, that dying he might fall upon it, and be buried in it.

With the withdrawal of that "consent of the governed" which bayonets procure, carpet bag government fell; as if consumed to ashes in the blaze of an Almighty scorn. The fabric of fraud and falsehood crumbled at a touch. The rubbish lies behind us; image of the fate of false appearance before firm reality. Constitutions of freedom worthy the name spring from hearts that will break rather than forsake them. They who mistake the hue and cry of the moment for the voice of the ages, find it easy to put fanatical hyperbole into statutes: not so easy to obtain obedience thereto or respect therefor. Fiction will not do the work of fact.

Ernest Crosby, in his life of Garrison, writes: "The slaves were finally freed, as a war measure to assist the armies in the field. The war was not designed to help emancipation, but emancipation to help the war. \* \* \* The practical element in the union spirit was the desire to preserve the size of the country: it was devotion to the idea of bigness, and the belief that bigness is a matter of latitude and longitude. \* \* \* Money was needed to pay the enormous expenses of destruction and the tariff began to grow, and behind it monopoly enshrouded itself. \* \* \* We stabbed the South to the quick, and during all the years of Reconstruction turned the dagger round in the festering wound."

"By their fruits ye shall know them." Where are the higher moral aims to which a crusade of "moral ideas" and "higher law" should summon? Territorial magnitude has supplanted compact as basis of union. The prevailing passion is that the committee on insurance of the American Bar Association has called "the riotous desire of bigness." A gigantic egotism; a supreme power cemented by bribes to the phalanx on which that power depends; a Federal force which was ordained for the protection of the citizen from power, perverted to one which exists for the plunder of the citizen by power; all the unclean progeny brought to the birth by the malign mother of predatory trusts; a civil liberty which is the crowned courtesan of all the appetites—are our present help in time of trouble. Not without reason Cardinal Gibbons has been moved (if correctly reported) to lament what he termed "the putridity of private character."

So it comes to pass we have them, who from the official pinnacle are branded as "the criminal rich." Anarchy answereth to anarchy,

lawlessness at the bottom to lawlessness at the top. Benjamin Harrison was entitled to know whereof he spoke, when on the 22d of February, 1898, referring to the speech: "A house divided against itself cannot stay half slave and half free," he gave as present paraphrase: "This country cannot stay half taxed and half free." This is the reality. This creates the Asiatic system, whereunder ultimately the taxpayer shall have no rights which the tax consumer will be bound to respect. It is the old eternal conflict between government as a trust and government as a spoil. Magnitude has taken root as magnanimity. As conclusion of the whole matter, the *Washington Post* of August 14, 1906, has this to say: "Let us be frank about it. The day the people of the North responded to Abraham Lincoln's call for troops to coerce sovereign States, the republic died, and the nation was born."

Does a great movement for righteousness "win out" in this fashion? Were moral ideas the expression of moral insincerities? Is it thus the "new birth of freedom" is justified of her children; thus the thunderbolt purifies the sky? The authors of Reconstruction have called down on themselves the beasts they turned loose to rend others. Retribution like those foretold by Hebrew prophets have followed with the force of fate. The tireless force of a universe takes a terrible revenge on them who pollute the altars of the highest with the selfishness of the lowest. In the issue, dark and deep, increasingly darkening and deepening, between the toiling and spoiling classes, we already hear the rumble, as of distant thunder; or it may be of volcanic insurgence against a rule which presents the antithesis of wealth to Commonwealth. There are signs of dissatisfaction with spoliation as a means of grace; a dumb consciousness of feeling, rather than perception, that prosperity of plunder is adversity of plundered. The centre of gravity has been shifted from moral to material power. As climax to a war for human rights, the one inalienable right, which seems secure is the right of Lazarus to be taxed for the table of Dives. What means this antithesis; this accumulation *pari passu* of material wealth and moral poverty; this material almightiness seated on the throne? It means that the South as the conservative force of the Union was struck down by Reconstruction. It means that war for the Union, and Reconstruction in pursuance thereof, tore up by the roots the civilization of the South, and laid the axe to

every best element in that of the North. It means that carpet bag government has come home to roost.

For the veneration of reality we have the idolatry of appearance; "the powers that be" dethroned by the powers that seem. A moral system that has abolished reverence cannot be expected to receive it. Reverence has been lost in the rattle of machinery. A greatness, strenuous for self (where the strenuous is so ready to slide into the sinuous), looks out upon the hollow worship of a greatness as hollow. The stream of Reconstruction has not risen higher than the source. Self-aggrandizement and self-ostentation care little for others; are little cared for by others. If, as from time to time suggested, what is visible is only a bubble on the surface of a deeper putrefaction, we have simply the old, old story of a material progress whose price is moral decay. This swirling vortex of delirious cupidities, this welter of the sensual beatitudes, after all, is but a shining robe of rottenness, which differs in size chiefly from John Randolph's "rotten herring in the moonlight, which shines and stinks and stinks and shines." The old question confronts you. Will you cling to your own birthright; or in the exigency of material desires swap for the mess of pottage. Be sons of your own sires; and in the future the cause for which your purest spirits yielded up the ghost will be numbered with the grand "Lost Causes," which conquer by crucifixion. Join your ardours to the opposite; and though you lay field to field, island to island, isthmus to archipelago, the history of the future, whenever the historian fearless and free shall come, will be constrained to write: "Never was there a people which so purely worshipped bigness or was so wholly innocent of greatness." O, my fellow Virginians, for long absent from you, I am one of you; spurn from you these ideals; leave to the idolators their idols. To wallow in their worship is to break the sword of Lee.

When the stress of Reconstruction had subsided, Payne gave his mind to law with a fair share of the concentration which had pervaded him in war. In the forum, as in the field, he maintained his cause frankly, firmly, fearlessly. As still later, he retired from general practice, it was his delight to draw around him, in the circle of his home, his old companions in arms. His friends admired in him the sincerities of a strong, the sympathies of an ardent, nature; the poise of a masculine good sense; the ingrained frankness, the subtle graces of intuitive high breeding. Had his table talk been taken down, freshly as it was conceived, it would have borne com-

parison with more famous dialogue. It possessed that great charm of life and manners—sincerity and simplicity. His discussion of a subject enchained attention by the spontaneity of the thought and the chastity of speech which clothed it—this lightened with a genial humor, at times a quiet wit, which could be both searching and severe. He was at ease with those around him because of his self-respect, and courteous because of his respect for others. He had to the last the strict habits of a man of business. Punctual to his appointments, exact in his accounting, he knew as well how to take care of himself as to defend others. To the last his counsel was sought, valued, followed. A gentleman's inexorable instinct never failed him on any field of daring or of grace. Take him, all in all, he was a fine type of that fine old Virginia gentleman, who rose up in a grand, unappeasable wrath, on the day that Lincoln called for troops to conquer Commonwealths.

So life wore to a close, until at last to the sadness of many, on the 29th day of March, 1904, the spark flew upward. Standing not far from him when he breathed his last, I felt that I saw expire one who was, if not the last, then among the last of the knights. It was the close of a life founded on conviction. As he was sinking he was heard to mutter, "Fitz," as if calling to him by whose side he so often rode, to mount the pale steed with him, and once more at full gallop charge the enemy of all. The last trumpet had roused him to meet the last enemy in the spirit in which he met the first; with the same true friend, the same trusty sword by his side. And ah! so soon the one to whom he called did follow. Do two, who lived in sight of the same pattern, still strive together, like racers, for their goal? Was that, which so soon followed, the response? Have the old comrades clasped hands once more?

"In what etherial dances  
By what eternal streams?"

Never will I forget the beautiful lament which thrilled the air as his body was borne into the little church at Warrenton. A tender pathos quivered on the lips, as of some vox humana which had wandered from the skies and to the skies returned. From no doomed cathedral ever floated purer sorrow than from this choir nestled in the hills. A noble life's music, the music of his own life, rose with it and breathed from it. It was a requiem which swept with tears the eyes of warlike men. His Black Horse Troop—all that was left

of them—followed him for the last time to his last rest. The flags of Virginia and the Confederacy, and his old gray coat, were wrapt about his bier like the Highland Plaids around Dundee. Over his open grave there bowed the genuine lament which a life of integrity and intrepidity commands. It was one more witness to the unfading lustre of the Spartan borne upon his shield. The Valhalla of the warlike is his home. The company of all true knights shall call him comrade. Each brave, each courteous, spirit will be there. If the pure in heart shall see God, he is face to face with his Maker.

It is, then, my privilege to be your medium to accept the portrait of this officer and gentleman, this jurist, this Virginian. It has been painted for you by an artist of his own beloved Warrenton, one who knew and loved him; whose aim, in this, as in all other work, has been to paint the truth. It has been presented to you by the companion of his courage and his heart. I accept it as the portrait of one who, in the words placed upon his tomb, was, in war and in peace, the soldier of Virginia's honor. I accept it as the portrait of one worthy to shine in the firmament of your renown. He is entitled to share the fame who was ever more than ready to share the fate of the bravest in the brunt.



## APPENDIX.

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### NOTE A.

The following letter, as annotated by General Payne (and found by his executor among his papers), is appended, as significant of the knightly self-effacement emphasized in the foregoing address. General Payne had been wounded and captured at Hanover, Pennsylvania. Years afterwards, the gallant Union soldier who made him prisoner seeing in the papers the death of Captain A. D. Payne, the heroic successor of his cousin in the command of the Black Horse Troop, supposed him to be the officer captured at Hanover, and wrote to his widow a letter which deeply touched her. Her daughter sent this (or a copy) to General Payne, to show, as she said, "how my dear father's noble, generous nature impressed all with whom he was thrown." General Payne clearly saw the mistake; but also saw the balm it was to bleeding hearts. He, therefore, made no correction. That correction has been made for the first time in the past few days, in the confidence (promptly verified), that the family of Captain A. D. Payne would accept, in requittal, the sacred satisfaction of a tribute so true and tender, by the man to whom the husband and father was best and longest known; as sweet a tribute as could be rendered by one brave man to another. With full consent the publication is now made.

CHICAGO, ILL., March 24, 1893.

MRS. ALEXANDER DIXON PAYNE.

DEAR MADAM,—It is with deep sorrow that I learn of the death of your noble and justly distinguished husband, Captain Payne. I had the strange pleasure of making his acquaintance at the battle of Hanover Junction, Penn., in 1863. A number of my men had surrounded him and were firing at him, evidently intending to kill him. I rode up just in time to save his life. I took him in charge, and on my horse behind me rode off with him. There was something in his brave and chivalrous demeanor that greatly impressed me.

I never saw him but once afterwards. I have often thought of him, but heard nothing until this morning when I read the announcement of his death in one of our morning papers. Permit me, although an entire stranger to you, to extend my tenderest sympathy in this the hour of your irreparable loss.

Your husband was a manly man, brave as a lion, courtly as a prince, true as steel to his convictions, and a man whom even those who differed with him could not help respecting and admiring.

In his case, in a pre-eminent sense, the words of Tennyson have a profound significance,

'T were better to have loved and lost  
Than never to have loved at all.

Most respectfully,

PHILIP KROHN,

Late First Lieutenant Company G, Fifth New York Cavalry.

356 Belden Avenue, Chicago.

April 17th, 1893.—Alice enclosed original of the above letter to me as evidence of the admiration her father inspired in his enemies. Winter had seen it and identified it as a mistake for me and so told Eppa, with a request not to undeceive them. Alice did not recognize it as anything she had heard from her father, and, I think, sent it to me to confirm or correct it. I could not strip the child of the evident pride she felt and let it stand. It would have been truer of dear Aleck than of me if he had had the same chance.

(Endorsement on back of letter.)

Copy of

Letter to Nannie Payne written under a mistake.

I am the person referred to. I was wounded and captured at Hanover, Pa., on the day named and under the circumstances (fairly accurately stated). I fell into the hands of a very fine fellow. Alec. was not captured nor was his command engaged.

I did not, however, undeceive Nannie. Alec. was capable of doing all that is imputed.

#### NOTE B.

For them (if such there be) who fail to comprehend why Lee holds captive the heart and imagination, not for one time only, but for all time, assistance may be found in the treasured reminiscence of Mr. Edwin Sublett:

ST. LOUIS, February 21, 1898.

A Southern poet has described General Robert E. Lee at the battle of the Wilderness, detailing the famous incident when he placed himself at the head of the Texas brigade to lead it in its victorious charge. Struck with his courage, his perfect self-command and soldierly bearing in that crisis of the fight, the poet says:

"Not a whit moved was he,  
Calm and resolute, Robert Lee."

There was another battle in which I participated as a private soldier, in which his coolness and his heroic and generous nature were evinced in quite as striking, and possibly in even a more admirable manner.

On the afternoon of May 10, 1864, our battery, the Third Company of Richmond Howitzers, Hardaway's Battalion (Old First Virginia Artillery) was holding its position in the toe of the "Horse Shoe" near Spotsylvania Courthouse, Virginia. We were about the centre of the Confederate lines. Our infantry support, at one heel of the "Horse Shoe," gave way under a heavy charge, ordered by General Grant for the purpose of piercing our lines and separating the right and left wings of Lee's army. This seemed for a time to have succeeded, and undoubtedly would have been successful and might have resulted in the complete defeat of the Army of Northern Virginia, but for General Lee's prompt and decisive action in bringing up additional commands of his veteran infantry, throwing them into the breach in our lines and driving the enemy back. At the time of the Federal assault General Lee was standing not over five hundred yards away. He sent his staff in every direction to bring up the available troops and drive back the force which had temporarily captured our centre.

It was during the interval in which the Federals held possession of the "Horse Shoe" that the incident which showed General Lee most superbly to me occurred. If there was any occasion when a commander might have shown agitation, anxiety, and trepidation, surely this was the time. Not only was he exposed to great personal danger, but the defeat of his army was imminent. It looked as if all his skill and all the courage displayed by his men during the long war were now about to be suddenly made entirely unavailing. Every one knows that there was no more decisive period in that bloody campaign of the summer of '64 than the fight over the "Horse Shoe." The guns of our battery had been captured, and those who escaped death, and who had not been compelled to surrender, did so by jumping over our works on the side directly facing the main body of the enemy and running down the ditch on the opposite heel of the "Horse Shoe" that was still held by our men.

Just before dark I reached a small farm-house which was General Lee's headquarters. I there joined General John B. Gordon's command, which was rushing into action to recapture our works, and as I ran through the yard of this farm-house a badly wounded man called to me and said: "For God's sake give me some water." He was a very large man and I at the time still a boy. I went to his assistance, and while kneeling on my left knee with his hands locked over my neck, that I might raise him up so that he could drink from my canteen, I heard a voice which was manly and calm, but extremely gentle and kind, say: "My young friend, this is a very exposed position for your wounded comrade, I would advise you to place him behind the base of the stone chimney," and then seeing the extreme difference in our sizes, he continued: "I will assist you." I looked around and saw it was General Robert E. Lee. He placed his hands under the soldier's

elbows and supported him to the place of temporary shelter in the protection of the chimney. There the wounded man stayed until the stretcher corps rescued him. General Lee then retraced his steps to where he had directed his aides to return to him in that enclosure of death. I then rejoined Gordon's command.

A few hours more, and after terrible fighting, General Lee's lines had been recaptured by his men, and our guns, which the enemy had been unable to remove, were restored to our possession and we reopened on the fleeing Federals.

Whenever I think of General Lee I think of him as he appeared before me then, such a superb illustration of physical manhood, such a handsome, noble countenance, so erect, so soldierly in his bearing, meeting the emergencies which confronted him with such military genius, and masterful skill, and being able and ready at such a moment to bestow tender, thoughtful aid on a wounded private soldier.

No man could have been what he was without great natural gifts, but no man even with those gifts who had not exercised marvelous self-discipline, who had not constantly been under the control of resolute duty, and the determination to make the most of himself, could have been what he was. He never smoked, he never drank, he never indulged in any excesses. To great natural abilities had been added training, study and discipline, and his faculties were unimpaired by indulgence in a single vice. To crown all this was his genuine, unostentatious, unpharisaical Christian piety, entirely free from cant and intolerance. With such qualities in defeat as in victory he was sure to be great.

(Signed) EDWIN HUGER SUBLETT,  
Late Third Company, Richmond Howitzers, Hardaway's Battalion,  
Army Northern Virginia.

Residence, 4152 Washington Boulevard, St. Louis, Mo.

March 25, 1899.—As interlined above this is a correct copy of the original.

EDWIN HUGER SUBLETT.

### NOTE C.

From the fountain height of self-devotion, there did flow a stream filling the soul with the high thought of heroes, whose dwelling was in the light from that high source: a sacred stream flowing, as it were, from "a fountain filled with blood." A memorial of this high thought, preserved for one State, is a speech for all which partake of the tradition. It may be read in the inscription engraved on the Confederate Monument in Charleston, South Carolina, and prepared by William Henry Trescott.

THIS MONUMENT  
perpetuates the memory

Of those who,

True to the instincts of their birth,

Faithful to the teachings of their fathers,  
 Constant in their love for the State,  
 Died in the performance  
 Of what they believed their duty;  
 Who  
 Have glorified a fallen cause  
 By the simple manhood of their lives,  
 The patient endurance of suffering,  
 And the heroism of death;  
 And who,  
 In the dark hours of imprisonment,  
 In the hopelessness of the hospital,  
 In the short, sharp agony of the field,  
 Found  
 Their support and consolation  
 In the belief  
 That at home they would not be forgotten.  
 Those for whom they died  
 Inscribe on this marble  
 The solemn record of their sacrifice,  
 The perpetual gratitude of the State they served,  
 The undying affection of those  
 Whose lives  
 The separation of death  
 Has shadowed with an everlasting sorrow.  
 Scattered over the battle fields of the South,  
 Buried in remote and alien graves,  
 Dying unsoothed by the touch  
 Of familiar and household hands,  
 Their names are graven here  
 To recall  
 To their children and kinsmen,  
 How worthily they lived,  
 How nobly they died,  
 And in what tender reverence  
 Their memory survives.  
 Let the stranger,  
 Who may in future times  
 Read this inscription,  
 Recognize that these were men  
 Whom power could not corrupt,  
 Whom death could not terrify,  
 Whom defeat could not dishonor;  
 And let their virtues plead for just judgment  
 Of the cause in which they perished.  
 Let the South Carolinian  
 Of another generation  
 Who may read this list of honored names

Remember  
That the State taught them  
How to live and how to die;  
And that from her broken fortunes  
She has left to her children  
The one priceless legacy of their memories,  
Teaching all who may  
Claim the birthright  
That  
Truth, Courage and Patriotism  
Endure forever.











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